By Mr. SANDLIN: A bill (H. R. 3485) granting an increase of pension to Emma J. Fouts; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 3486) granting a pension to Susan Shellito; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 3487) granting a pension to Sarah E. Swick; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 3488) for the relief of C. M. Williamson, C. E. Liljenquist, Lottie Redman, and H. N. Smith; to the Committee on Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 3489) granting a pension to Florence Jones; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

524. Petition of the League of Women Voters of the Territory of Hawaii, urging Congress of the United States to amend the organic act of the Territory of Hawaii to enable women to serve as jurors; to the Committee on the Judiciary.

525. By Mr. BAIRD: Petition of 28 members of Woman's Relief Corps, No. 85, of Bowling Green, Ohio, requesting that the Invalid Pensions Committee be organized at the present session to permit action on the Robinson bill, providing for a pension of $50 a month for widows of Union veterans of the Civil War; to the Committee on Invalid Pensions.

526. By Mr. CULLEN: Petition of employers and workers of the Philadelphia (Pa.), Camden (N. J.), and Wilmington (Del.) kid-leather producing district, petitioning Congress to provide for a tax of 20 per cent on finished kid leathers imported into the United States, as well as a duty of 30 per cent in glove leathers and leathers made from the skins of reptiles and fish; to the Committee on Ways and Means.

527. By Mr. GARBER of Oklahoma: Petition of the National Grange, urging support of the debenture plan of farm relief; to the Committee on Agriculture.

528. Also, petition of the Enid Ice & Fuel Co., Enid, Okla., in opposition to the proposed increase in tariff on granulated cork and cork board; to the Committee on Ways and Means.

529. Also, petition of the Louisiana Tax Commission, urging the levying of an import duty upon crude petroleum of not less than $1 per barrel; to the Committee on Ways and Means.

530. Also, petition of the S. K. McCall Co., Norman, Okla., in opposition to the proposed increased tariff rates on ladies' overseamed hand-sewed kid and lamb gloves; to the Committee on Ways and Means.

531. By Mr. McCORMACK of Massachusetts: Petition of Nathan Goldberg, 1100–A Blue Hill Avenue, Dorchester, Mass., protesting against assessment of duty on hides; to the Committee on Ways and Means.

532. Also, petition of Massachusetts Department, Veterans of Foreign Wars, Joseph H. Hanken, commander, Boston, Mass., urging extension of section 14, World War veterans' act, as amended May 29, 1928, as less than one-half of 1 per cent of veterans affected in Massachusetts are acquainted with their rights and it is too late for them to commence suit now; to the Committee on World War Veterans' Legislation.

533. Also, petition of C. Brown, 401 Broadway, South Boston, Mass., protesting against assessment of duty on hides; to the Committee on Ways and Means.

534. By Mr. MICHENER: Petition of sundry citizens of Wyandotte, Mich., asking for organization of the Committee on Invalid Pensions for consideration of the Robinson bill at the special session of Congress; to the Committee on Invalid Pensions.

535. By Mr. SPEAKS: Papers to accompany House bill 3438, granting an increase of pension to Anna O'Neil; to the Committee on Pensions.

536. Also, papers to accompany House bill 3439, granting an increase of pension to Rebecca A. Paugh; to the Committee on Invalid Pensions.

SENATE

TUESDAY, *May 28, 1929*

(Legislative day of Thursday, May 16, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

PETITIONS

The VICE PRESIDENT laid before the Senate the petition of the pastor and members of the Methodist Episcopal Church of Punta Gorda, Fla., praying that the preamble of the National Constitution be amended so as to include therein the words "devoutly recognizing the authority and law of Jesus Christ, the Saviour and King of nations," which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the League of Women Voters of the Territory of Hawaii, favoring the passage of legislation amending the organic act of the Territory of Hawaii, so as to enable women to serve as jurors in that Territory, which was referred to the Committee on Territories and Insular Possessions.

Mr. JONES presented a petition of sundry citizens of Hoquiam, Wash., praying for the repeal of the national-origins provision of the immigration law and for the continuance of immigration quotas based on 2 per cent of the 1890 census, which was referred to the Committee on Immigration.

REPORTS OF THE COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 1142) to continue during the fiscal year 1930 Federal aid in rehabilitating farm lands in the areas devastated by floods in 1927, reported it without amendment.

He also, from the same committee, to which was referred the bill (S. 1133) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, reported it without amendment and submitted a report (No. 17) thereon.

PRINTING OF ADDITIONAL COPIES OF THE RECORD

The VICE PRESIDENT. The Senator from Alabama [Mr. HEFLIN] is entitled to the floor on the unfinished business.

Mr. HEFLIN. Mr. President, before I proceed with my discussion of the pending amendment to the census and reapportionment bill, I desire to reintroduce a bill which I had previously introduced in a former session and which was referred to the Committee on Printing. It is a bill to provide for an additional supply of copies of the CONGRESSIONAL RECORD to Members of Congress and other officials of the Government.

Mr. WALSH of Massachusetts. Mr. President, may I say that the Committee on Printing has had under consideration the bill which the Senator introduced at the former session and it has met with the approval of the committee? It will be immediately reported and action will be asked upon it. The committee has discussed the matter and is in full accord with the Senator's views on the question.

Mr. HEFLIN. I thank the Senator. Some additions have been made to the bill I now introduce. The committee thought and I thought that the various Government bureaus, the Federal Trade Commission, the Interstate Commerce Commission, and similar bodies should receive the CONGRESSIONAL RECORD daily and that no Government bureau should have to buy copies of the RECORD.

The bill (S. 1312) to amend sections 182, 183, and 184 of chapter 6 of title 44 of the United States Code, approved June 30, 1926, relative to the printing and distribution of the CONGRESSIONAL RECORD, was read twice by its title and referred to the Committee on Printing.

Several Senators addressed the Chair.

Mr. HEFLIN. Mr. President, I can not yield any further, because the introduction of bills, and so forth, would come out of my time. I trust that we can finish with the bill to-morrow night and that we can have a morning hour when all routine matters can be attended to.

DECENNIAL CENSUS AND APPORTIONMENT OF REPRESENTATIVES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, the pending question being on Mr. SACKETT'S amendment.

EXCLUDING ALIENS

Mr. HEFLIN. Mr. President, the greatest constitutional lawyer, perhaps, in either branch of Congress, Representative TUCKER, of Virginia, holds that the amendment to exclude aliens is constitutional. I am heartily in favor of excluding them. The constitutionality of the question has been settled in a satisfactory manner, so far as I am concerned. Any Senator who wants to vote to exclude aliens, who wants to prevent in the future the sending of Members to Congress based upon alien population, can justify his vote on the constitutionality of the question by the speech on that subject by Congressman TUCKER, from Virginia.

But I think every Member is justified in voting to exclude aliens, because it is best for the country that they be excluded. We have a serious problem here in this question, one that affects the whole population, one that affects the present welfare and the future welfare of our country. The time has come for

action upon the question. The framers of the Constitution never dreamed that the day would come when there would be six or seven million aliens congregated in the United States, as we have them here to-day, filling positions that belong to Americans, organizing bands of marauders, committing all sorts of depredations upon the property of the American people.

Why, Mr. President, it is clear to my mind, from the language used in the Constitution, that they never thought that question would be a serious one in the United States. There were a great many people coming here from other countries in those days, but they were immediately being naturalized.

They were coming to this great free country and making themselves citizens of it at the earliest date possible. The framers of the Constitution expected that would continue. They never thought the day would ever come when we would become the dumping ground for the "smuggled-in" hordes and criminal refuse of foreign countries, when our great cities would become the habitat and rendezvous of crooks and criminals from every country on the globe, terrorizing the people of our country, holding up American merchants in their miserable racketeering schemes, robbing banks, terrorizing our people in various localities, kidnaping the children of wealthy parents, leaving father and mother frantic in their home with their child stolen and in the hands of a bunch of bandits who were demanding money or stating that they would take the life of the child.

That is going on here. I have a case in mind of a little boy who was kidnaped and held for a ransom of $60,000. One of those who was in the plot repented that he had joined in the commission of such a crime. His conscience hurt him. He realized what a crime he was committing against the father and mother, whose heartstrings were being torn out by those brutal criminals, and he told about it. Two others joined him. What do you suppose happend? He and the two who joined him have been murdered. Right here in the greatest Government in all the world we seem to have been helpless so far to deal with this bunch of alien criminals in the United States.

They are not only terrorizing those who have accumulated property but they are terrorizing the homes, they are holding up fathers and mothers, they are making their children a matter of bandit barter right here in the United States.

Mr. President, this Congress owes it to the people of the Nation to get rid of this bunch. I would deport them. I would like to have a census made and see how many of them are here. I know about the number, but I would like to have them interrogated again and asked "How did you get here?" and make them show whether they had come in under the provisions of our immigration law. I dare say that out of this number of 6,000,000 or 7,000,000, fully 5,000,000 of them have been smuggled into the United States. My God, think of Congress in the light of the facts before it permitting such a horde of aliens not only to remain in our country but to take jobs that belong to patriotic, law-abiding American citizens.

Not only that, but they are being counted just as Americans are counted in the matter of fixing the basis for sending Representatives to Congress. Think of that! The Constitution will not allow one of them to become a citizen until he is naturalized as the laws of the land provide. It will not allow him to hold office until he has been here for a number of years. It will not allow him to be President at all, and yet he is being used to send Members to the other branch of Congress.

Let me give you an illustration. Suppose we say that 7,000,000 aliens are here, and we put them all in one group. They would be entitled under the present unfair arrangement to about 30 Members of Congress. Is not that a fearful situation? What sort of a predicament are we in? Here is an alien group, we will assume for the sake of argument, smuggled in here and being used to send Representatives to Congress. They are not citizens of the United States. They violated our laws to get here. They have no right to be here, but they are here through the practice of deception and fraud, and now instead of deporting them you permit them to count their numbers and obtain Members of Congress upon alien population the same as you do the population of real Americans. You can split hairs on the constitutionality of this alien amendment, but the people back in the States can understand what I am talking about, and they know that I am right upon this question. We have no more right to give representation to such aliens than we have to give 30 Members of Congress to the same number of foreigners in a foreign country.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. HEFLIN. I yield.

Mr. McKELLAR. I call the Senator's attention to the fact that not only does it give additional Representatives in the House but it gives the same number of representatives in the Electoral College, by which we choose a President and Vice President of the United States.

While I am on my feet let me call the Senator's attention to this other fact that some of the great cities which are insisting upon alien representation in the bill have themselves decreed that in their own legislatures aliens shall not be permitted to represent the State.

Mr. HEFLIN. I thank the Senator. He has called my attention to a very important point. The Electoral College is increased in membership when a new Member of the House is added, and a presidential election may be determined by the alien population of the United States. And in that situation there lurks grave danger for this American Republic. Real Americans, native born and naturalized, go to the ballot box to select a President. It may be that the electoral vote of Americans is about equally divided. Then throw the alien vote in on one side or the other and they may decide the election of President and Vice President of the United States. These aliens now have 30 votes in the Electoral College, and during my public service I have seen the presidential election determined by fewer electoral votes than these aliens now have. Does not that fact present an alarming situation? That danger must be removed. No Senator has a right to vote to continue that very dangerous situation.

The gravest and most dangerous phase of this foreign menace, this alien problem, is found in New York City.

I have no doubt that the Tammany political machine has smuggled into the United States many hundreds of thousands of foreigners in the last few years. They have pushed some of them through the naturalization processes and voted them and voted the others, I am told, whenever their votes were needed. So it is hard in New York City to defeat a Tammany man, for if they know it takes 50,000 votes to carry the election they import them, it is claimed, smuggle them in. So there is a situation where Tammany, governed largely by foreign influences—by the alien vote—is in power in the largest city not only in this Nation but the largest city in all the world. The people of New York State realized there was danger in that alien situation in New York City for them. So they provided by a State law that alien population should not be used as a basis for sending members to the Legislature of the State of New York. If they there, close to the problem, realized how dangerous it was and they provided against it, how much more should we, coming from the various States of the Union, provide against permitting these alien influences to get a stranglehold upon the Government of the United States.

Mr. President, the Senator from Massachusetts [Mr. WALSH] asked yesterday what was the purpose of this amendment. What is the reason for it? I can tell what the reason is and what the purpose is, too. The purpose is to rid this Nation of the alien influences that are annoying and disturbing the peace and happiness of millions of Americans and gnawing upon the vitals of this American Government. Our purpose is to restore this Government to the ancient constitutional landmarks of the American fathers.

The purpose is to put this Government again in control and keep it in control of the American people. The purpose is to curtail and get rid of the dangerous alien influences that are operating here to overthrow free institutions in America. Well, what is the reason for it? The reason for it is to protect those institutions and preserve them for ourselves and for our children. Mr. President, no alien has the right to come here and take the job that belongs to an American. I recall a few years ago when the wolf of the far West presented a serious problem to the American farmer in that section of the country, the great flock masters on the plains with their sheep which they counted by the hundreds and the thousands. Those wolf packs would come down upon the sheep every day and destroy them. The American sheep raiser was being put out of business. He was not able to cope with the situation, and what did he do? He called upon the Government to relieve him, and the Government hired men with their rifles who killed those wolves that were eating up the farmer's sheep and destroying his business. The Government kept that up until it has relieved the farmer of that problem.

Now, what are you doing for the relief of American labor? A poor man, born and reared in America, coming of old American stock, or who as a real citizen has been here a long time, has a position, and is supporting a wife and children. Up comes one of these smuggled-in aliens, and he gets his job because he will work cheaper than will the American; cheaper than the American can afford to work and live decently and worthily. The American is driven out of his livelihood; he drifts back into the multitude of deserving Americans who have lost their jobs and he is listed in the army of the unem-

ployed. What has happened? A foreigner, smuggled in, perhaps, an alien, an unnaturalized person, has come here from a country where the people live cheaply, where the standard of living and the wages are low; certain influences here go to work to get him a job. His priest renders assistance. This alien goes out and tells the man in charge of an industry, "You put me in that fellow's place there and I will work for half the price he is getting." The American loses his job; out he goes into idleness; his means of making a living is gone and his wife and children go with him into poverty. You will not allow the Government to do anything for him; but you were willing for the Government to spend millions of dollars to kill the wolves in the West, which were devouring the western farmer's sheep and destroying the farmer's means of making a living. You are doing nothing to relieve the loyal American who supports his Government in time of peace and fights for it in time of war; whose job has been taken away from him by an alien, smuggled into the United States. Yet Senators quibble on this question and say that they would like to vote for the amendment, they would like to see it in the proposed law, but they are afraid that it is "unconstitutional." The people back home are going to apply their common sense to this problem; nobody is going to be deceived by that sort of argument.

I am going to vote for the amendment; I believe in it, and I believe that Congressman TUCKER, of Virginia, has shown beyond all question that it is constitutional. You who really want to vote in the interest of your country have got a real good reason in the argument that he has made to cast your vote to exclude these aliens. I am convinced that he is right and I am going to accept his judgment and cast my vote on the side of my country. All other Senators should do likewise. Then, if somebody wants to take the question to the Supreme Court, let him do so. It is of such colossal importance to the American people, that we are justified in presenting a situation where the Supreme Court will have to pass on it and decide whether it is constitutional or not. Let us give the court a chance to settle the question. It has got to be settled.

I am going to vote in behalf of the patriotic American who is being deprived of his right to make a living for himself and family. I am going to vote in behalf of the American girl who has to support herself, and in behalf of the American mother who is toiling that her children may live in decency, who is losing her job to an alien woman smuggled into this country, who takes her place and drives her and her offspring out into idleness and poverty.

Mr. President, this is one of the most vital questions that has been before the Senate in many a day. We rarely ever take up a newspaper in the morning that we do not see where a bunch of bandits, lawless criminal aliens, are terrorizing American citizens—doing all sorts of things in the big cities; and now they are reaching out into the interior. What are they doing in Chicago? We are told that it is an open secret that they go to the big merchants and tell them, "If you do not want your business plundered, your windows smashed, and your store entered in the night time, pay us so much per month"; and the bandit bunch, hiding around the corner, have their money doled out to them by the frightened merchants of the United States. Why? Because they live in dread and fear of these bandit racketeers, foreigners. Go read the list of their names. There is not a Senator in this body who can pronounce them correctly. That is a part of the problem before us. Then Senators talk about wanting to vote for the amendment if their conscience would allow them to do so. They had better not let their "conscience" pull any wool over their eyes on this great American question.

The American people are, as they should be, for this amendment as they have not been for any other particular proposition in a long time; there is practically no division among real Americans upon this question; no opposition to this proposal except in the great Roman Catholic centers in the United States. Who is it here in the Capital that is opposing this amendment? The Roman Catholic political machine. Who is it that is using all their influence to defeat this amendment and to muster every vote they can in this body to defeat it? The Roman Catholic leaders, the Roman Catholic hierarchy. Then, Senators, choose you this day whom you will serve, your own country—good government in America—or the Roman hierarchy; choose whether you will vote for the wage earners of America, the men and women who keep the machinery of our Government going, the men and women who are serving the teeming millions of our country, or whether you are going to vote to increase the political power of the Pope of Rome in the United States by allowing these aliens to have representation in Congress and in the Electoral College.

Why is it that the Roman Catholic Senators here vote solidly on that side when that question is raised? We have never seen it fail. When the Roman program and interests are involved they are there right on the job.

Mr. President, I ought not to be so universally abused by Roman Catholics because I want to preserve my Government in its American form. They ought not to call me bigoted and intolerant because I insist that religious freedom be permitted to live, for them as well as for everybody else. But all that is done, of course, for the purpose of misleading the people of the country as to my attitude on this question. I have repeated time and time again that I am not opposed to the Catholic having the religion of his choice.

I want him to have it; I would not permit anybody to deny him the right to approach a throne of grace as he chooses; but what I am quarreling with him about is what he does to the instrumentalities of my Government after he gets up off his knees after confessing to a priest. What I am complaining about is not a part of his devotion; it has nothing to do with his religion; it is his dangerous political activity against the American Government. He is interfering with free speech; he is seeking to destroy it all over the United States. The Roman Catholic machine is bringing pressure even to defeat free speech here in this Chamber. They do not want a free press. They boast that the press is afraid of them. They do not want peaceful assembly, because if they can control the press and keep the press from giving information to the American people that they do not want given out, and if they will not let the people assemble and have free and open discussion, they will get this country in a little while in a position such as Mussolini has Italy, where they can put their program over in the United States.

Mr. President, what I object to is their un-American activities. Doctor Ryan, an appointee of the Pope here in Washington, says in his book on state and church that when they are strong enough they are going to destroy all other religions in the United States except the Roman Catholic religion. You know and I know that program and purpose. That is not properly a part of their religious worship. I do not want my religious rights taken away from me, and I do not want the people for whom I speak here to have their rights taken from them. I want the Catholic to worship as he chooses, but he is not going to be permitted to deprive me of that right or the millions of people—Protestants and Jews of America—of the United States of that right. He had just as well get that truth in his head and prepare to accept the American position on this question. Is not my position sound? I know what he is trying to do. The Roman machine wants to silence me and have me cease to point out Roman dangers that threaten free government in America, but I will tell you what they ought to do.

They ought to fall fully in line with the American idea of Government and publish to the American people from authentic Roman Catholic sources that they are in favor of and will hereafter support "free speech" and that they do not want any Roman Catholic to interfere with it anywhere; that they are in favor of the American right of "peaceful assembly" and they do not want any Roman Catholic to interfere with it anywhere; that they are in favor of the American principle of a "free press" and that they do not want any Roman Catholic to interfere with it anywhere; that they are in favor of the American "public-school system" and that they do not want any Roman Catholic to interfere with it anywhere; that they are in favor of "religious freedom" for everybody and they do not want any Roman Catholic to interfere with it anywhere; that they are in favor of the separation of "church and state" and that they do not want any Roman Catholic to interfere with it anywhere.

That is my position as an American Senator. Is there any intolerance or bigotry on my part in that stand? Let them quit interfering with these great instrumentalities of our Government that we in the Senate have sworn to protect and defend, and when they do that I have not further quarrel with them. As an American Senator I have a right to demand that they do that. They can go ahead and confess to the priest as much as they please and dole out their substance to him, and I have no complaint to make about that; that is their business. But when they come out from there and seek to put over in this country a Roman Catholic program, to destroy the instrumentalities of my Government, to put all religion but their own out of commission, and to establish their own religion as the Government religion, to be supported by the money of the Government and defended by the Army of the Government, I shall continue to fight their un-American program. And because of service as an American Senator I am threatened. My God, what is it going to take to arouse you to your full duty and responsibility to your country?

A certain element among these alien hordes in the United States is threatening and holding up the business men of the

country. They are telling them, "If you do not send money out to us, we will blow up your house and destroy your wife and your children." They not only do that; they steal the child from the heart of the family, and hold him for ransom. Not only that; they threaten a United States Senator, and say that if he does not cease to point out the dangerous activities of that group they will murder him; and yet Senators stop and quibble and split hairs about whether they are going to vote to exclude these aliens from the basis upon which representation is founded for membership in the body that makes the law for this Nation and elects a President of the United States.

Why, Senators, here in the homeland is a bright American boy. He goes through the schools and graduates at 18.

The PRESIDING OFFICER (Mr. CUTTING in the chair). The Senator's time on the amendment has expired. He still has 30 minutes on the bill.

Mr. HEFLIN. I thank the Chair.

This boy graduates. One of these boys at that age, Mr. Swofford, from Kansas City, Mo., won the orator's medal the other day here in Washington on an oration that would do credit to any Senator in this body, and yet he is not allowed to vote. He has to wait three years before he can vote, and that boy is now capable, judging him by his speech, of helping to frame a constitution for a government. But if the tocsin of war sounds he has to lay down his diploma and put aside his plans for life, and put on his uniform, shoulder his gun, go to the battle front, shed his blood, and give his life; yet he is not allowed to vote. But the alien, 18 or 19, you call him to bear arms, and he says, "You will have to excuse me. I am not a citizen of this country," as hundreds of thousands of them did in the World War. He steps aside. The other boy goes away to battle. This man gets his job; and when that boy comes home, if he does, he finds this alien youth sitting snugly in his place, drawing American money for an American job that a smuggled-in alien now has.

My friends, this amendment has dynamite in it. You let Senators who have to run for the Senate next year come up and vote against excluding these aliens, and the people of this Nation who are interested in their Government more than they are in your seats in this body, the people who want to clean house of all dangerous foreign influences in this Government, the people who want to be rid of this alien problem, the people who want to restore this Government to its true American form, are not going to be pleased with your suggestion that you "could not quite make up your mind, because your conscience hurt you" on the constitutionality of this alien amendment. They are gradually getting their eyes open.

You examine yourself well. That may not be your conscience that is hurting you. It may be some other organ in your system that is bothering you. It may be that you have eaten something that upset your stomach. [Laughter.] You may be getting your stomach or something else mixed up with your conscience. [Laughter.] If you do, your constituents will help you straighten out your trouble when you go before them.

Imagine a man standing up before the great sovereign power of the Commonwealths of this Union, the voters, and saying to them, "I would have voted for the amendment about aliens, but, somehow or other, I could not get it in my mind that it was constitutional." Some hard, horse-sense man will say, "Constitutional? Say, Senator, that has been the refuge for dodgers since the Government was founded. You fellows that want to vote against a measure seek your constitutional shelter to get under it; and when these foreigners are coming in here by the thousands and hundreds of thousands, smuggled in, having no right to be here, and are driving from gainful employment men and women who were born here, and we want to stop that, you say that your conscience would not allow you to vote for it because you were afraid it was unconstitutional." Then he will ask you, "Why didn't you let it be passed up to the Supreme Court, and let the Supreme Court decide whether or not it is constitutional? Why didn't you do your best and go your limit in giving the laboring men and women a fair deal in America?"

The senior Senator from Kentucky [Mr. SACKETT] thought the amendment was constitutional. It is his amendment that we are considering. The Senator from Tennessee [Mr. TYSON], who discussed with me his amendment on the same subject—before the Senator from Kentucky did; they are both on the same line—thought it was constitutional. Other Senators here have advocated it. My colleague [Mr. BLACK], who is a good lawyer, thinks it is constitutional. The junior Senator from Kentucky [Mr. BARKLEY], who spoke ably on it yesterday, thinks it is constitutional. Those of you who want to vote for it have all the excuse you need to vote for it. There is no doubt in my mind that it is constitutional.

My friends, this problem is of such a nature that you owe it to yourselves and to those who sent you here to take a chance and let the highest court in the land pass on it, if need be, and decide whether or not it is constitutional.

I do not hear you Senators quibbling on the constitutionality of measures when the big interests of the country demand legislation in which they are interested. I do not hear you raising any Cain about the Constitution being violated when the money lords are demanding legislation. But when we come and talk about the wage earners who are being crowded to the wall by this horde of aliens in our country, then you yawn indifferently and say, "You would like to vote for it if you thought it was constitutional." [Laughter.] It is a pity that your conscience is disturbing you so on this particular measure. The people back in the States know and understand.

Do you know, I have seen but few men in my service here at the Capitol whose long service was beneficial to the States they represent. That may sound strange, but it is true. The trouble with the average Senator here, he forgets and gets away from the people in the State, and he lives in a little atmosphere to himself here at Washington, where he has lost touch with the people back home, where he no longer thinks of the masses or thinks of measures that will benefit them.

He is thinking mostly about how to retain his seat, how to stand in with the big powers that be, how to court favor with the newspapers that will boost him here and get the news back home and tell what a big man he is, when frequently we know to the contrary. They are doing that. They are standing in with big interests that will keep down opposition.

I have known men in my political lifetime who served the special interests. When candidates would come out about ready to announce against them they would be plucked off and given employment, retainer fees as lawyers at so much per year, to get them out of the way of the candidate who was to come back to the American Congress to continue his work for those that he had been representing here all the time.

Mr. President, it is high time that all of us, regardless of party affiliations, were voting here to-day on this question like Americans. Let us strike hands about a common center for the good of this great American Government. Let us fling aside partisan prejudice and feeling. Let us think of the good to one hundred and odd millions of people, and not seek to please a group that wants to keep in here and count in our population these six or seven million foreigners—and most of them belong to the hierarchy's group.

Of course, there are some that do not; but what are they doing to labor? What are they doing in the United States? Hundreds of thousands of them have not pledged allegiance to that flag. They are not beholden in any way to this Government They have refused, so far, to apply for naturalization papers. They never have qualified so as to become citizens. They dodge civic duty as citizens, and hundreds of thousands of them dodge war duty as soldiers; but in the army of wage earners they are marching up and driving out of American employment the men and women who are making livings for their families, and, like the ships that pass in the night, they drop out of the picture and are forgotten. Who will remember them here to-day when you are quibbling over the constitutionality of a measure like this?

Aliens are securing jobs that Americans formerly had. The army of the unemployed in the United States is caused by the alien problem that I am discussing here to-day. What are you going to do to help us solve that problem? No quibbling over the constitutionality of this amendment will suffice. Your vote will show how you stand, for "by their fruits ye shall know them."

Senators, if you are on the side of the alien group and the influence back of it, I suppose the National Catholic Welfare Council have their hand in it. They always have. In that report they sent to the Pope that I read here they said they were daily at work, in touch with Congress, in touch with Cabinet members and with the President of the United States, whoever he might be. So these influences are at work. They do not want this alien amendment in this bill. They are fighting it. They are opposing it to the bitter end. What are you going to do?

What are they doing here these aliens? They are accumulating millions. What are they doing with this money? They are sending it back to help smuggle other aliens in. That is what they are doing. They are sending out of this country between fifty and a hundred million dollars a year, back over yonder, and more foreigners are being smuggled in; and New York is one of the worst ports in the world for the violation of our immigration law. I do not believe a shipload of foreigners has ever been turned back from there. If they get in, and can give the proper sign, they pass in, and no word is said. No record

is kept, no publicity is given to the people of the United States, until one day you hear men and women on the street who speak the English language saying, "I have lost my job. I have nothing to do. The rent is due, and we have been ordered to vacate, a foreigner has my job, and God only knows what is going to become of us." An alien problem has flaunted itself in their faces. Alien labor has driven them from employment. That is what is going on. But Senators tell us that they can not vote for the amendment because they are afraid—they are not certain—they are afraid it is unconstitutional!

You had better get those fears out of your minds. There is too much at stake here to fool with a little thing like fear on a hair-splitting point. Paul said, "This one thing I do." You have it in your power to-day to cut the Gordian knot. There are enough Senators here, if they vote right, to solve this question.

The Roman hierarchy does not want this amendment; Americans will do. Who shall triumph to-day, the Roman hierarchy and its political machine or the millions of Americans who are looking to us to stand by them on this occasion?

Mr. President, I go back to the proposition of aliens sending money out of the country. When I was in the House I looked up the statistics one year—I think it was about 14 years ago—and I found that they had sent back to foreign countries $74,000,000, a great deal of which was used in bringing others here; so that the money these aliens make in working cheaply and driving American labor from employment is sent back to bring over more foreigners, to compete with American labor in the large business centers of the country, and to add to our army of the unemployed. That is the condition we have here, and the problem gets worse every year.

New York State refuses to allow aliens to be counted in fixing the basis for representation in the legislature of the State; but here they are telling us that we should use "smuggled-in" aliens to make the basis for representation in the American Congress. If it is good for New York to be rid of that alien population for such a purpose it is good for the people of the United States to be rid of them for the same purpose.

That is not all. The people of the United States everywhere feel the evil effect of the alien problem in New York City and in the other big cities of the East and other places in the country. They are smuggling in aliens. Why do you not stop them? I have pleaded here against their entrance, but you are still permitting them to come in by the thousands and hundreds of thousands, and here, when the Senate has the opportunity to shut the door and settle this particular problem, and we are nearly ready to vote, we find this tremendous "alien influence" about which I have told you marshaling votes to defeat this amendment.

Listen, Senators. The Senator from Massachusetts [Mr. WALSH] said yesterday that if we put this amendment on it means the killing of the bill. I do not think that at all. While I am not for the bill it is going to pass. The House will keep this amendment on if we put it in. I believe that two-thirds of the House will vote for this amendment. I could almost name the Senators who will vote against it, but the House will vote to keep it in the bill. If the Senate will keep it in, it will stay there, and there will be genuine rejoicing throughout the length and breadth of our great country among loyal Americans.

The American laboring man and the American laboring woman! God bless this brave army of wage earners in America. I am going to vote with them. I am going to vote to throw the protecting arm of my country around them. We have told the big tariff barons and the captains of industry that cheap goods shall not come here and destroy their business. We have built a wall of protection for them. But we have done nothing for the army of wage earners who are losing their jobs by the thousands and hundreds of thousands to aliens smuggled into the country.

I do not want the business of the captain of industry hurt; I want him taken care of and I want him to make a profit. I want every business in my Nation to prosper. And I want the laboring class to prosper. I want this army of wage earners to do well, and to-day I am going to cast my vote to throw about them the same protecting arm we place about the big business of the country, to shield them from the cheap laborers of Europe and from the alien class smuggled into my country. This is still America! This is our country, ours to love and cherish, ours to protect and preserve.

What are we going to do about it? Are we going to let the insidious influence that stalks about this Capitol all the time when a foreign problem arises decide how we are to vote here to-day?

Senators, the first great problem we ever had to solve was the problem of the red man. We solved it and fixed his status. The next great problem was the problem of the black man, and we solved that and abolished slavery, as we should have done, and settled that question. The next and third, and perhaps the greatest problem of them all, is that of alien influence and control in the United States. Who shall control America? Shall her institutions be preserved, or shall the false gods of the alien come here and dictate the course of the law-making body of the Nation, alien labor driving out of employment American labor, and alien influence killing measures designed to defend and hedge about free institutions in America, all in a foreign program to make America Catholic in the years to come, to set up the Catholic state, and put it under the dominion of the Pope of Rome. Nobody but a stupid, blind man can fail to see that that is the program.

Mr. President, I am but an humble instrumentality in the hands of the Almighty and I am trying to give the American people warning in time. Down in east Alabama, not very far from the Horseshoe Bend in my State, was Fort Mims, where Weatherford the Red Eagle and his men committed one of the worst massacres in the history of Indian warfare. There was a big gate in the wall of Fort Mims. It had rained hard for several days and sand washed down against the gate, which stood open about 3 or 4 feet. The sand banked against it, and a lady inside said, "You had better close that gate." They said, "Oh, no. There is not an Indian within 50 miles of here." But Lucy Dean, a sweetheart of Weatherford, a white girl, said, "You don't know whom you are dealing with. Weatherford is one of the most cunning of all the warriors among the red men He is smart, he is cunning, he will be upon this fort before you know it." They said, "There is not an Indian within 50 miles of here."

A little boy who had gone down to the riverside came back and said, "Mamma, I have seen some people down there with their faces painted and feathers in their hair," and Lucy Dean and the others said, "Indians!" But before anybody could go and dig the sand from the gate Weatherford and his men were pouring through, and you know the sad and bloody story. They slew everybody but Lucy Dean and one or two others whose lives Weatherford had saved.

I know that when I am telling you what is going on some of you do not realize the dangers that I am pointing out to you. The press is as afraid of the Catholic power as it is of death. I assert to you to-day that you can not get a Washington paper or any other paper represented in the Senate press gallery to publish a criticism based upon facts of the un-American activities of Roman Catholics in the United States. That is a pretty broad challenge, but anybody can take it up and try it out.

Heywood Broun, a brilliant writer, lost his position on the New York World because he said there was not an editor in the city of New York who had the courage to write the truth about Catholic political activities in that city. He lost his job, they turned him out, because he lifted his voice in criticism of the un-American activities of Roman Catholics. This is a free country and we all ought to be willing to be criticized in the interest of good government. The Catholic authorities ought to quit. They must quit interfering with free speech in America. I have letters to the effect that they do that in every State in the Union where the subject to be discussed in any way touching the far-reaching program of the Roman Catholics in the United States. There ought not to be anything like that in the United States. This is a free country. They are already providing how and when they will destroy religious freedom in the United States; and Doctor Ryan admitted—I am stating the substance of what he said—in his magazine article, replying to Doctor Fountain, of New York, that it is their program to make America Catholic, and that they stand by the doctrine of the union of church and state.

All these things are going on right here in the United States, and I am telling you the significance of them, but you are saying, as they said at Fort Mims, "Oh, no; there is no immediate danger. That danger is far off." It may be, but it is somebody's duty to point it out, it makes no difference how far off it is, whether it is 10 years away or 20 years away.

I believe that God has given men vision to see things that He would have them see and to call attention to them, and I believe that He has given them the courage and the physical strength to endure in doing that.

What should a man do on the firing line if they tell him, "Out there where you are fighting is dangerous. You are liable to be killed." He would say, "Yes; but I am a soldier. I am a crusader in the cause of right. I am trying to serve my country, and if I go down, I will go down with flying colors, faithful

to the last, and you can tell my brethren for me that I died at my post, doing my duty as I saw it and trying to save my country."

What are they doing? They are attacking free speech, free press, peaceful assembly, religious freedom, separation of church and state, the public-school system, six of the great pillars underneath this great Republic, and who is crying out against it? Who is coming to the rescue? Who is telling them to stop that, that they will destroy this Government? You ask the press to do it, and they are afraid. You ask public men, many of them, to do it, and they are afraid. Then what is the remedy? For the people back home to get wise and to ask every Senator on the stump, "How do you stand on these questions? How did you vote when the alien question was up for consideration, when we wanted to exclude them? Did you vote for your country or did you vote with that Roman foreign influence?" That is the question they are going to ask you, and the question they ought to ask you.

Mr. President, how much time have I remaining?

The PRESIDENT pro tempore. The Senator has two minutes remaining.

Mr. HEFLIN. I can not say much in two minutes, but I will say this, that I am heartily for this alien amendment. I am with the wage earners of America. No field is cleared in the battle for bread. No bugle sings truce to the toiling millions, day in and day out, and many of them toil far into the night; they are struggling to keep soul and body together.

WORLD ENDURANCE FLIGHT RECORD

Mr. SHEPPARD. Mr. President, I present for insertion in the RECORD an article by Aviators Reg L. Robbins and James Kelly describing the flight by which they broke the world's endurance record at Fort Worth, Tex., last week.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The article is as follows:

FORT WORTH FLYERS TELL OF RECORD 172-HOUR HOP—LIGHTNING, FLASHING BY SIDE OF PLANE, GAVE WORST SCARE OF ALL DURING THEIR WEEK IN AIR

(Here are the personal experiences of Reg Robbins and Jim Kelly, the machinist and cowboy, who broke the world endurance-flight record by remaining in the air for more than a week.)

By Reg L. Robbins and James Kelly

FORT WORTH, TEX., May 27.—The world at large appears to be amazed at our little flying feat accomplished in a 2-year-old plane, powered with a secondhand motor, but our principal astonishment is that we were forced to come down after only 172 hours and 32 minutes in the air.

Although we are back on earth after spending more than a week in the cramped environs of our rebuilt Ryan as it slowly but surely flew past every world's record for endurance flying, we have not been completely isolated.

Newspapers and telegrams, as well as personal messages from our wives and friends, were lowered us twice a day by K. K. Hoffman and H. S. Jones, the pilots of our refueling ship, and our only disappointment is that we were unable to fulfill our promise of staying up 200 hours or longer.

If flyers were ever blessed with a perfectly performing ship and a motor that stood every test put to it, we are those two pilots. The Ryan brougham in which we made the trip has been in use two years and has carried thousands of passengers for commercial hops. The Wright whirlwind motor in *Fort Worth* was second hand when placed in the ship less than two years ago. It has gone more than 50,000 miles without a forced landing.

PROPELLER WAS CRACKED

Plane and motor would have kept us up until a really enviable mark had been established. However, the luck which had been with us throughout the flight finally failed, and the propeller was cracked when the buckle of a safety belt hit it while the rocker arms on the motor were being greased.

This happened Monday, the second day of our flight, while the rocker arms were being greased in rough air, and we probably would have felt no ill effects from the accident had it not been for adverse weather we passed through. Rain caused the crack to swell, making the motor run rough.

The severe storm we passed through on Saturday night also helped to weaken the propeller. However, it kept us in the air during the bad weather and many hours after we had passed through the electrical disturbances.

At one time lightning flashed so close to our ship that we both thought it had been struck. That was our worst scare of the entire flight. The visibility was poor and neither of us got much rest. Each of us got about an hour's sleep during the night.

We took off at 11.33 a. m., Sunday, May 19, from the Municipal Airport here and landed on the same field at 4.05 p. m., Sunday, May 26. There were several more hours in our ship had we cared to risk a crash.

ADVANCE COMMERCIAL AVIATION

The primary purpose of our flight was to advance the cause of commercial aviation though, and we both feel that a proper regard for safety is one of the first qualifications of a pilot.

We were tired but not overtaxed when we landed. Two doctors have examined us and pronounced us both in normal physical condition with the exception of being slightly deaf. This will wear off in a few days.

There was more nervous strain during the first 48 hours than at any other time. After we had completed two days and nights in the air we began to lose our nervousness and felt more confidence both in the ship and in ourselves.

At various times during the flight we became slightly groggy, but at no time did we lose the balance or control of the plane. Airsickness worried us both during the first 48 hours, but this must have been caused by nervousness, because the air was smooth and neither of us is susceptible to airsickness.

Our future plans are at present rather vague. We have received offers of contracts of many types, including several vaudeville contracts.

Flying is our game, though, and that is what we are going to stick to. We have no intention now of signing show contracts, regardless of the financial inducement.

We feel that we have been amply repaid by one fact of our flight alone. That is the endurance qualities and airworthiness of a single-motored ship. When plans for our flight were in the preliminary stage a trimotored plane was considered. This plan was dropped, though, as we felt our chances for success were greater in the type of ship we were both accustomed to handling.

This is not intended as any reflection on trimotored jobs. Their capabilities are too well known. We spent a lot of time studying the facts about the *Question Mark* flight and reached the conclusion that success was as probable with one motor as with three, if the load the trimotored plane carried was so heavy that two motors would not keep it up.

Particular study of the rocker-arm troubles of the *Question Mark* was made also. The rocker arms on our motor were greased twice daily. No other work on the motor was necessary, although we were prepared to replace spark plugs if necessary or change other engine parts.

ONE SET OF SPARK PLUGS

One set of spark plugs carried us through the flight. No other part of the engine was badly worn, and when we came down to-day our motor was gone over and declared to be in excellent condition by E. M. Walsh, engine expert from the Wright Aeronautical Corporation.

The linen was somewhat frayed on parts of the plane, but the covering was not in bad condition. The ship was re-covered with new linen in preparation for flight.

The Ryan brougham, in which we made the flight, was rebuilt according to our own ideas of aviation engineering. The roof was removed from the back half of the cabin in order to make refueling easier. The funnel connecting with the extra gasoline tank which occupied the middle section of our *Fort Worth* was on the right side of the ship. It was on the outside of the ship. We considered this safer than to have the funnel in the center of the ship.

One of the gravest dangers in a flight of this kind is the possibility of fire. We had to exercise unusual care in preparations for refueling as well as the actual process of transferring gasoline from plane to plane for that reason. Generation of electricity either from the propeller or from friction was guarded against by a copper ground wire attached to the refueling hose and clamped to the funnel during contact.

K. K. Hoffman, pilot of the refueling ship, and H. S. Jones, copilot of the ship, deserve much of the credit for the success of our flight. Their iron nerve and remarkable piloting skill were responsible for 17 successful refuelings. Ten or 15 gallons of gasoline was spilled once when we failed to make contact because a rag stuffed in the refueling funnel had not been removed before contact was made.

The last refueling, this morning, was accomplished in a driving rain. We are not sure but believe this is the first time an airplane has ever been refueled in midair during a rainstorm.

The refueling ship, which was also a Ryan brougham, had a hole in the bottom of it through which Jones dropped the hose. This hose was 37 feet in length. Contact was usually made by using only 20 feet of the hose. Several times only 10 feet of the hose were used.

We refueled three times daily during the flight, with the exception of one day, when our reserve supply of gasoline was so high that we refueled only once. Early morning and early evening were the hours we chose for this delicate and dangerous operation.

The air is smoother at that time and there is less danger of planes being buffeted by air "bumps" while flying close together. In the morning, usually around 6 o'clock, we took on 110 gallons of gasoline. At night, in two contacts, we would take 130 or 140 gallons. Four and one-half gallons of oil were given us twice daily.

GOT FOOD WITH FUEL

With the oil we got our food, letters, and other supplies, which were lowered in a canvas sack dropped by the refueling ship immediately after the refueling contact was broken.

Hoffman had worked out a definite set of signals with us, and the refueling was accomplished with almost clocklike precision. Some persons consider a remarkable feature of our flight the fact that the first transfer of gasoline between our endurance ship and the refueling plane was made after the flight had been in progress almost 24 hours.

We did not consider this remarkable, as we had full confidence in our ability to perform the feat. The day before the *Fort Worth* took off we practiced the refueling contact three times with Hoffman and Jones. However, no fuel was actually transferred. We took off with 250 gallons of gasoline, which lasted us through the first night of the flight.

In case of an accident we agreed on the procedure we were to follow. The endurance ship was to pull to the left and down while the refueling ship was to pull to the right and up. In order to fly close enough together to permit refueling in the air we had to obtain a special permit from the Department of Commerce. After an inspection of the *Fort Worth* and the refueling ship and an explanation of our plan they waived their rule forbidding commercial aircraft to fly closer than 300 feet apart.

TRIP SOMETHING OF A LARK

Despite its serious nature, our flight sometimes was more or less of a lark. We wrote many notes and dropped them to our wives and friends on the ground. Before dropping notes we would circle the municipal airport at a low altitude to attract attention, and then on the second trip over would drop the notes.

We carried a supply of small canvas sacks for this purpose. Strips of bed sheeting had been attached to the sacks and the long streamers helped attract attention to the messages, and also aided in their location after they fell to the field.

The jocular tones of notes we received while in the air helped us while away the time and keep our spirits up. Once we playfully tossed a loaf of bread to a visiting aviator and got a great kick out of his astonished look.

During the daylight hours we flew in circles 100 or 200 miles from the municipal airport. At night we kept closer to the field, and usually were not more than 5 miles distant from its floodlights.

A supply of flares was carried in the *Fort Worth*, but we preferred the safety of a well-lighted landing field in case of motor failure or any other sudden and serious trouble. Altitudes during the flight ranged from 500 to 10,000 feet.

In the morning and at night we flew closer to the earth, due to favorable atmospheric conditions, but during the heat of the day we maintained altitudes of 8,000 to 10,000 feet.

TAKE 110 GALLONS OF GAS

For refueling contacts we usually sought an altitude of between 2,500 and 4,000 feet. About half of this altitude would be lost during the operation. Eight minutes were required for the transfer of 110 gallons of gasoline, while the two night loads usually were taken on in contacts of three to five minutes each.

At the time of the take-off we had not secured the parachutes we had intended to wear throughout the flight. Rather than delay the start of the venture we decided to go ahead without the parachutes.

The third day of our flight found us still without parachutes. In the meantime we had realized that we were taking an unnecessary chance and had dropped a request for the parachutes. The task of greasing the rocker arms on the motor was particularly dangerous.

To perform this task twice daily it was necessary to crawl through a small window on the left side of our plane. There was no opening on the right side, and to grease the rocker arms on that side of the motor the fuselage had to be mounted in pony fashion. The one of us making the trip faced the pilot and slid carefully across the motor to the right side of the catwalk. This operation had to be reversed in order to reenter the ship.

We are particularly grateful to Brig. Gen. F. P. Lahm, who was instrumental in our securing chutes. Lahm, who is in charge of aviation activities for the Eighth Corps Area, volunteered to take one of the "seat" type parachutes, which had been secured for us, in exchange for a parachute which conformed to the shape of the back. This was used by the man on the catwalk and added to his safety, as there was danger of the "seat" type of parachute catching on some part of the motor and opening. The day after our parachutes were delivered two more were sent up from Kelly Field at San Antonio for Hoffman and Jones to wear during the refueling operation.

Another compliment we received from the Army was the personal note from Capt. Ira C. Eaker, the chief pilot on the flight of the *Question Mark*. Eaker came through Fort Worth twice during our flight and on his last trip stopped long enough to send us a note wishing us success. It made us feel good to know that Captain Eaker was unselfish enough to hope to see his own record fall for the general advancement of aviation.

Our living quarters during the trip were confined to a space about 3 feet square. That was living room, dining room, bed room, etc., during our more than seven days in the air.

A dual control had been installed in the back part of the ship for use during refueling, but this was abandoned when we discovered the ship was much easier to handle with the regular control stick in front. That space, after the control was removed, made a comfortable corner in which to rest when we tired of the Navy hammock slung across the interior of the plane.

Regular periods of rest were taken by both of us. We each got four to six hours of sleep every day and night of the flight, with the exception of our last night up. Stormy weather removed all thoughts of sleep then.

Delicious meals were sent us twice daily. We had hot meals every night, and during the day enjoyed hot coffee or iced drinks from thermos bottles, which were replenished regularly. We both ate heartily and suffered no loss of appetite during the trip. This and the fact that we secured enough sleep probably was responsible for our excellent condition at the end of the flight.

When we first started our flight we had every reasonable confidence that we would be successful. Naturally we felt some apprehensions, though. As we began to approach various world records for sustained flight we became more determined than ever to stick it out if humanly possible.

Our rebuilt monoplane has bettered every world record for endurance flying. We are proud of its performance and of our part in setting up a record, which we hope will aid in promoting public confidence in air travel and the safety and durability of airplanes.

No more endurance flying for us, though.

At least, not for some time.

PERSONAL STATEMENT—LENROOT CONFIRMATION

Mr. HARRISON obtained the floor.

Mr. SHEPPARD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. Does the Senator from Mississippi yield for that purpose?

Mr. SIMMONS. Mr. President, I rise to a question of personal privilege.

Mr. HARRISON. Mr. President, I have only 30 minutes.

The PRESIDENT pro tempore. The Senator from North Carolina rises to a question of personal privilege, and the time he occupies will not be taken from the time to which the Senator from Mississippi is entitled.

Mr. HARRISON. Very well.

Mr. SIMMONS. Mr. President, I rise to a question of personal privilege. There appeared in a recent issue, the issue of May 25, of the News and Observer, a newspaper published in my State at Raleigh, a communication from the Washington correspondent of that paper upon which I wish to comment. The headlines to the article are as follows:

CONGRESSIONAL RECORD prints SIMMONS'S talk.

That has reference to the Lenroot confirmation contest.

New York Times story regarding Lenroot secret code recorded.

The article then proceeds:

Senator SIMMONS was put down as absent in the secret poll which was published by two press associations, and Senator OVERMAN was recorded as voting for Lenroot. The New York Times said it was stated SIMMONS made a speech for Lenroot.

Senator OVERMAN refused to comment on the poll, but he was in his office in the late afternoon of the day on which the poll was taken and later went home without returning to the Senate. He has a general pair with Senator WARREN, who was also absent.

Senator LA FOLLETTE got a laugh from the Senate when he inadvertently referred to Senator SIMMONS as "the extinguished Senator." He was trying to say "the distinguished Senator." Quoting from the New York Times dispatch, which said that it was stated that Senator SIMMONS spoke in behalf of Lenroot, Senator LA FOLLETTE said in his Senate speech:

"The Senator from North Carolina [Mr. SIMMONS] is one of the most distinguished Members of this body. He has been in service a great number of years and is the ranking member of the Finance Committee on the Democratic side; he handled all the important war-revenue legislation when he was chairman of the committee under the Wilson administration. I am sure there is no Senator in this body who more carefully observes the Senate rules."

To that point in the speech of the Senator from Wisconsin [Mr. LA FOLLETTE] the quotation is in the exact words appearing in the CONGRESSIONAL RECORD. I continue:

"And yet from some source—I am not sure it was not from the Senator from North Carolina—this correspondent found out that the Senator from North Carolina made a speech in executive session in behalf of former Senator Lenroot."

The quotation from Senator LA FOLLETTE's speech is an exact copy of what Senator LA FOLLETTE said, except as to the one sentence in the report of the correspondent which reads:

"I am not sure it was not from the Senator from North Carolina."

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. SIMMONS. I will yield in just one moment. I have examined the CONGRESSIONAL RECORD and read the Senator's speech and the Senator used no such language.

Mr. LA FOLLETTE. I wanted to call the attention of the Senator to the fact that that purported quotation in the dispatch from which he was reading was incorrect. If he will refer to the last paragraph in the first column on page 1824 of the CONGRESSIONAL RECORD he will find that I did not use that language.

Mr. SIMMONS. The statement by the Senator from Wisconsin was, "I am sure it was not from the Senator from North Carolina." The statement made by the correspondent as to what Senator LA FOLLETTE said was, "I am not sure that it was not from the Senator from North Carolina." In other words, the correspondent having correctly reported everything the Senator from Wisconsin said, interpolated in this sentence the word "not," which changed its meaning entirely and left the imputation that the Senator from Wisconsin impliedly stated that he did not trust me and that probably I had given out the information. Mr. President, it is strange that the correspondent could have made such a mistake as that. I do not wish, however, to impugn his motives. I do not wish to say that he deliberately interpolated into that sentence the word "not," for the purpose of casting suspicion upon me, but I do say that it is very remarkable that he could have gotten the entire context correct except that one sentence and so changed it as to give it an entirely different meaning. I will state also, that although four days have elapsed, the correspondent of the News and Observer has not chosen to correct his erroneous story.

With reference to the headlines I do not hold the correspondent responsible. That may be a mistake occurring in the office of the newspaper. I can not say whether I made a speech or did not make a speech. I can not say, if I made a speech, what the character of the speech was. The rules will not permit me to do so. But it is a fact that the headlines misstate the situation when they carry the statement that an alleged speech claimed to have been made by me in executive session appeared in the CONGRESSIONAL RECORD. If I made a speech in executive session it would not, under the rules, appear in the CONGRESSIONAL RECORD. But let that aside. Let me repeat emphatically it is, to say the least, strange that the correspondent having, as he clearly did have, the exact words of the Senator from Wisconsin before him, correctly stated every word the Senator had used until he got to this very pregnant sentence and there wrote a word which so changed its meaning as to carry an implication against myself.

I wish to ask the Senator from Wisconsin if I have not stated the facts?

Mr. LA FOLLETTE. Mr. President, the Senator from North Carolina has stated the facts correctly. As I called attention to the situation when I interrupted him, the sentence appearing in the dispatch carries exactly the opposite meaning from the one which I used on the floor and which appears in the CONGRESSIONAL RECORD, and of course is entirely out of sympathy with all the other things which are said in the paragraph concerning the Senator's length of service and the fact that I felt sure that there was no Senator here who was more meticulous in his observance of the rules.

CALL OF THE ROLL

Mr. SHEPPARD. Mr. President, I renew my suggestion of the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Deneen	Hawes	Norris
Ashurst	Dill	Hayden	Nye
Barkley	Edge	Hebert	Overman
Bingham	Fess	Heflin	Patterson
Black	Fletcher	Howell	Phipps
Blaine	Frazier	Johnson	Pine
Blease	George	Jones	Pittman
Borah	Gillett	Kean	Ransdell
Bratton	Glenn	Kendrick	Reed
Brookhart	Goff	Keyes	Robinson, Ind.
Broussard	Goldsborough	King	Sackett
Burton	Gould	La Follette	Schall
Capper	Greene	McKellar	Sheppard
Connally	Hale	McMaster	Shortridge
Copeland	Harris	McNary	Simmons
Couzens	Harrison	Metcalf	Smith
Cutting	Hastings	Moses	Steck
Dale	Hatfield	Norbeck	Steiwer
Stephens	Trammell	Wagner	Warren
Swanson	Tydings	Walcott	Waterman
Thomas, Idaho	Tyson	Walsh, Mass.	Watson
Townsend	Vandenberg	Walsh, Mont.	Wheeler

The PRESIDENT pro tempore. Eighty-eight Senators having answered to their names, a quorum is present.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GOFF:

A bill (S. 1313) granting a pension to Frank C. Nelson; to the Committee on Pensions.

A bill (S. 1314) granting a retirement annuity to T. C. McGowan; to the Committee on Civil Service.

By Mr. McNARY:

A bill (S. 1315) granting an increase of pension to Henrietta Thomas; to the Committee on Pensions.

A bill (S. 1316) to amend an act entitled "An act authorizing the Secretary of War to grant the use of the Coos Head Military Reservation, in the State of Oregon, to the cities of Marshfield and North Bend, Oreg., both being municipal corporations, for park purposes"; to the Committee on Military Affairs.

By Mr. SHEPPARD:

A bill (S. 1317) to amend section 108 of the Judicial Code, as amended, so as to change the time of holding court in each of the six divisions of the eastern district of the State of Texas; and to require the clerk to maintain an office in charge of himself or a deputy at Sherman, Beaumont, Texarkana, and Tyler; to the Committee on the Judiciary.

By Mr. MOSES:

A bill (S. 1319) granting an increase of pension to Andana Dyer (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS of Oklahoma:

A bill (S. 1320) granting a pension to William Potts; to the Committee on Pensions.

By Mr. HAWES:

A bill (S. 1321) granting a pension to Ann Slinkard (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 1322) to amend the third paragraph of section 11 of the Federal farm loan act, approved July 17, 1916, as amended by section 3 of an act entitled "An act to amend certain sections of the Federal farm loan act, approved April 20, 1920"; to the Committee on Banking and Currency.

By Mr. McNARY:

A joint resolution (S. J. Res. 48) to provide for refunding to the State of Oregon tariff duties paid on an Etrich tow-preparing machine, type "V"; to the Committee on Finance.

By Mr. NORRIS:

A joint resolution (S. J. Res. 49) to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals in the State of Alabama, and for other purposes; to the Committe on Agriculture and Forestry.

APPOINTMENTS OF SONS OF VETERANS TO THE MILITARY AND NAVAL ACADEMIES

Mr. WALSH of Massachusetts. Mr. President, I introduce a bill authorizing the appointment of cadets at the United States Military Academy and midshipmen at the United States Naval Academy from among the sons of veterans of all wars. I submit an explanatory statement relative to the present law and the proposed change to accompany the bill, which I ask may be printed in the RECORD in connection with it, and also letters from the War and Navy Departments.

The bill (S. 1318) authorizing the appointment of cadets at the United States Military Academy and midshipmen at the United States Naval Academy from among the sons of disabled veterans of all wars was read twice by its title and referred to the Committee on Military Affairs, together with the accompanying papers, which were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR WALSH OF MASSACHUSETTS

Under an act of Congress approved June 8, 1926, the President was authorized to appoint as cadets to the United States Military Academy from the sons of officers, soldiers, sailors, and marines who were killed in action or died prior to July 2, 1891, of wounds received or disease contracted during the World War. Similar provisions were made for the appointment of midshipmen to the United States Naval Academy.

Since the passage of this act there have been but few applicants and still fewer admissions to the Military Academy or the Naval Academy under its provisions.

In 1927 five candidates qualified and were admitted to the United States Military Academy as cadets. In 1928 five candidates were appointed to take the examination, but three failed to report and two others failed mentally. In 1929 seven candidates were appointed to take the examination and only one of these qualified.

In 1927 there were five applicants to the Naval Academy and two qualified. In 1928 there were six applicants and five qualified. In 1929 there was five applicants and four qualified.

The bill which I have introduced (S. 1318) provides for the extension of the provision of the law of 1926 to the sons of all who served for 90 days or more, in any war, and were honorably discharged.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, May 21, 1929.

Hon. DAVID I. WALSH,
United States Senate.

MY DEAR SENATOR WALSH: I have your letter of May 16 requesting information as to the number of appointments made under the act of Congress approved June 8, 1926, authorizing the appointment by the President of 40 cadets to the United States Military Academy from the sons of officers, soldiers, sailors, and marines who were killed in action or died prior to July 2, 1921, of wounds received or disease contracted in line of duty during the World War.

Since the passage of the act approved June 8, 1926, providing for the appointment to the United States Military Academy of sons of deceased World War veterans who were killed in action or died prior to July 2, 1921, five candidates qualified and were admitted to the United States Military Academy as cadets in 1927. In 1928 5 candidates were appointed to take the examination; 3 failed to report and the other 2 failed mentally; 7 condidates were appointed to take the examination in March, 1929. One was fully qualified and will be admitted as a cadet on July 1, two failed to report, and the other four failed mentally.

The applications from five candidates for 1930 have already been received, and their letters of conditional cadet appointment will be sent to them as soon as possible after July 1, 1929, when appointments for 1930 may be made.

Very respectfully,

C. H. BRIDGES,
Major General, The Adjutant General.

NAVY DEPARTMENT,
BUREAU OF NAVIGATION,
Washington, D. C., May 24, 1929.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring to conversation with you by telephone, I have the honor to state that under act of Congress approved June 8, 1926, authorizing appointments to the Naval Academy of sons of deceased veterans of the World War, in 1927 there were five applicants and two qualified; in 1928 there were six applicants and five qualified, and in 1929 there were five applicants and four qualified.

Very truly yours,

T. R. KURTZ,
Acting Chief of Bureau.

CONSTRUCTION OF FLOOD CONTROL ACT

Mr. HAWES. Mr. President, in 1928 Congress passed what we call the flood control act. It created a board of arbitration for the purposes specified in the act.

The Chief of Army Engineers has put upon the law a strange construction, a construction not intended by Congress nor in conformity with the Constitution.

A committee of Senators and Congressmen called upon the President in relation to this matter and he has referred the subject to Attorney General Mitchell.

In a letter addressed to the Attorney General I have reviewed the facts, and having secured his permission for publicity, I request that the letter be inserted in the body of the RECORD and referred to the Committee on Commerce for such disposition as it may desire in regard to the subject.

This matter will require executive interpretation or clarifying amendments by Congress and possibly judicial determination.

The PRESIDENT pro tempore. The letter will be regarded in the nature of a memorial, and, without objection, will be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the memorial was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

MAY 27, 1929.

Hon. WILLIAM D. MITCHELL,
The Attorney General.

MY DEAR MR. ATTORNEY GENERAL: On May 24 press reports stated the President has referred to you for interpretation a request made to him by Senators and Representatives of all the States in the alluvial valley of the Mississippi River for an executive interpretation of section 4 of the flood control act, or for a recommendation by him for clarifying or corrective legislation by Congress.

I take the liberty of transmitting a statement of how and why this matter was brought to the attention of the President. I believe this to be my duty as Senator from Missouri.

The Governor of Missouri, Hon. Henry S. Caulfield, petitioned the President for Executive intervention; the Missouri Legislature, by joint resolution, asked for Executive intervention, and such requests were indorsed by all the leading newspapers of Missouri and many of the civic organizations of that State, as well as by residents and property owners of the flood area involved.

Senator PATTERSON and myself, and the entire delegation of 16 Congressmen, have also appealed to the President in writing for Executive action.

On May 9 a delegation of Senators and Representatives, including Senator JAMES A. WATSON, Republican floor leader, and Senator JOSEPH T. ROBINSON, Democratic floor leader, representing the States of Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, called on the President to make the request above referred to.

Responding to the President's suggestion that the delegation provide him with a written memorandum outlining Executive authority in the matter, we submitted to him this written memorandum on May 14, leaving open the question of legislative clarification amendments until a decision was made regarding his Executive power, and we requested at the same time that construction work on the disputed portions of the project be delayed until Executive direction was given or corrective clarifying amendments were passed by Congress.

The issue largely revolves around a settled principle of law that private property may not be taken for public use by the Government except through the ordinary legal methods of purchase or condemnation.

A violation of this principle, we believed, was about to be attempted by the Chief of Army Engineers in the Birds Point-New Madrid floodway project, and similar proceedings would have followed in the Boeuf diversion plan, the emergency arising at the headwaters of the flood-control works at Birds Point.

Proposed construction work, under the policy adopted by the Chief of Army Engineers, would establish a precedent for all future work to be done in the entire valley, which precedent should not be set, as apparently the Chief of Engineers was about to proceed under an erroneous impression of the intent of Congress in the passage of the flood control act. Either Executive interpretation of the intent of Congress in the act, or clarifying legislation definitely expressing that intent, should be had before the commencement of such work.

The flood control act, approved May 15, 1928, was passed by Congress only after exhaustive hearings.

Before the passage of the act, Congress determined that two comprehensive plans of flood control had been submitted, one the so-called Jadwin plan, the other the Mississippi River Commission plan.

In order to avoid making definite recommendations with respect to the controversial engineering problems and their relation to the economics of the project, Congress provided in the act that a board of review was to be created, to consist of the Chief of Army Engineers, the president of the Mississippi River Commission, and "a civil engineer chosen from civil life to be appointed by the President." (Sec. 1, par. 1, Public, No. 391, 70th Cong.)

The act then provided (ibid.):

"Such board is authorized and directed to consider the engineering differences between the adopted project and the plans recommended by the Mississippi River Commission in its special report dated November 29, 1927, and after such study and such further surveys as may be necessary, to recommend to the President such action as it may deem necessary to be taken in respect to such engineering differences, and the decision of the President upon all recommendations or questions submitted to him by such board shall be followed in carrying out the project herein adopted."

It was the manifest intent of Congress that an opportunity be afforded for a fair and impartial reconciliation between the Jadwin plan and the Mississippi River Commission plans.

It was the theory of Congress, in providing for "a civil engineer chosen from civil life" that an impartial civilian arbitrator would officiate.

The whole philosophy of the act, of impartial consideration of engineering differences, was, however, by subsequent appointments to this arbitration board, destroyed.

Colonel Potter for some time had been president of the Mississippi River Commission. He was president of the commission during the time of the preparation of the Mississippi River Commission plans. He was, at the hearings before Congress, the official spokesman for such plans, and therefore Congress, following its desire to have all plans weighed and properly presented, made express provision for the reappointment of Colonel Potter. He was indorsed for reappointment by

every member of the House Flood Control Committee, and all members of the Senate Commerce Committee, both Democrats and Republicans, and such recommendations were sent to the President; but unfortunately the opinions of Colonel Potter had clashed with the opinions of General Jadwin.

When a substitute was selected for Colonel Potter, the board of arbitration created by Congress had no one on it as a member to present or advocate the Mississippi River Commission plans. I venture the assertion that with the exception of General Jadwin and three or four of his immediate assistants, and a few other witnesses, all other witnesses in the long and voluminous hearings before the House committee were opposed to the so-called Jadwin plan. Some 325 adverse witnesses, including able engineers and experienced river men, opposed the Jadwin plan.

Before the Senate committee, which had reduced the total number of witnesses to some 35, again only General Jadwin and his immediate assistants advocated the Jadwin plan, while nearly 30 witnesses opposed it, including eminent and distinguished engineers, some of whom had had many years' experience in river work, and all the members of the Mississippi River Commission opposed the Jadwin plan. These included the names of some engineers who are world famous.

May I add at this point that the American Engineering Council, representing 26 different engineering societies, with a total membership of 57,673, has asked for a reconsideration of the Jadwin plan.

The situation, therefore, is that practically all the witnesses before the House and Senate committees, and the American Engineering Council, have opposed this plan.

But Congress believed that an impartial tribunal of three—one in the person of General Jadwin to speak for his plan, the second the president of the Mississippi River Commission to speak for that plan, and, third, an impartial and unbiased civilian—might reconcile the two plans, first submitting such decision, however, for approval to the President before entering upon its execution.

The civilian selected as the so-called disinterested and impartial arbitrator had the matter of his appointment called to his attention first by General Jadwin on the long-distance telephone. The first man he met when he arrived in Washington was General Jadwin. He had no other indorsements, that the hearing before the Senate committee disclosed, other than that of General Jadwin. He had served under General Jadwin in the Spanish-American War, in the European war, and had been employed elsewhere on the recommendation of General Jadwin, and the record shows (Senate hearings, Committee on Commerce) that he admits his appointment was suggested by and entirely due to the suggestion and recommendation of General Jadwin. So that his impartiality, if he was at all human, was destroyed, and Congress and the President did not have the full benefit that they intended to derive from a third arbitrator in consideration of the differences between the plans.

The substitute for Colonel Potter was and is now under the direction of General Jadwin, Gen. Thomas H. Jackson. The so-called impartial civilian was selected by General Jadwin.

The natural result was the approval of the so-called Jadwin plan by General Jadwin and the two members of the board recommended by him.

This was bad enough, but it later developed that the clear intent of Congress that compensation should be paid by the United States Government for property taken, used, damaged, or destroyed directly by the Government in the carrying out of the flood-control plan was to be arbitrarily set aside.

It develops that during the hearings on the War Department appropriation bill for 1930 before a subcommittee of the House Appropriations Committee (November, 1928), General Jadwin, answering a question by Mr. BARBOUR, a member of the committee, stated as follows:

"Mr. BARBOUR. Has the President approved the report of this board as yet?

"General JADWIN. He has approved the policy and method of dealing with the problem as set forth in the report, but has excepted and reserved for his future action those reports which contemplate the acquisition of rights of way and flowage rights in connection with the construction of spillways and flood ways."

The statement of General Jadwin, above quoted, is the only information that Members of the House and Senate have of any Executive interpretation or approval by President Coolidge, and copies of the written Executive approval, in whole or in part, have not so far been made available for our information.

But in the face of this statement the Chief of Army Engineers and the Mississippi River Commission under General Jackson proceeded to advertise for bids for the construction of what is known as a set-back levee in the New Madrid flood-way area at the northern end of the great flood-way program.

The purpose of this set-back levee is to inclose some 200 square miles of Missouri territory within the levee and to designedly flood the entire inclosed area as a part of the general flood-control plan.

The area to be designedly flooded in Missouri covers 135,000 acres of land, containing 175 miles of highways, 97 miles of drainage canals, 35 highway bridges, hundreds of miles of tile drains, 2,500 persons and their homes and improvements, many miles of railroads, and schools and churches.

The assessed valuation for State tax purposes of this area is about $3,000,000 for farm lands alone. This does not include the valuation of public improvements, highways, schools, and churches.

In addition, the residents of this area have already taxed themselves in excess of $3,000,000 for ditches and levees to develop this area.

A fair valuation of the property has been variously estimated at between $12,000,000 and $15,000,000, and a large part of the bonded indebtedness is still outstanding.

To the surprise of those conversant with the intent and purpose of Congress in the passage of the flood control act, it was discovered that the Chief of Army Engineers and the new president of the Mississippi River Commission had not instituted condemnation proceedings for the property within the New Madrid flood way to be so designedly flooded, but planned to construct the set-back levee without such condemnation or purchase, leaving the matter of compensation to be determined at a later date.

Complainants appearing in Washington stated that the advertising for bids for the construction of this levee had already so impaired the value of their property as to make it impossible for them to borrow money upon the property included within the levee from any bank, trust company, or other financial agency, including the Federal land bank itself.

In other words, the sole purpose of the levee to be constructed is to designedly provide for the flooding of 200 square miles, and the mere inclusion of this area within the district to be flooded has made it impossible, even at this time, for residents either to protect their equities or to obtain money for the planting of crops. They will not plant their crops under such conditions, and the land in fact is at this time damaged to the extent of an actual taking.

Similar complaints came from the Boeuf floodway area when notices were given by the Chief of Army Engineers and the new president of the Mississippi River Commission that advertising for bids for construction work in the Boeuf area would soon be authorized.

When this information became known to Members of the Senate and House vitally interested in the flood-control program the decision was made to call upon the President and to ask:

1. For an executive interpretation or clarification of the intent of Congress to prevent this designed taking of property without compensation; or

2. In the absence of authority on the part of the Executive, for a recommendation by him to Congress for corrective, clarifying legislation; and

3. For a suspension of work on such controverted projects until either an Executive interpretation or congressional action was obtained.

It may be pointed out that the suspension of such work on controverted projects will not seriously delay the flood-control program as a whole. There is a vast amount of work to be done on the strengthening and rebuilding of levees and various other work. There is no necessity for delay. There are many places on the river where the work may proceed.

Delay in obtaining either Executive interpretation or congressional action will not nearly so seriously interfere with the final completion of the flood-control program as would the long litigation resulting from a wrong interpretation of the intent of Congress on the part of those designated to execute the flood-control program.

It should be noted that no one on the Missouri side of the Mississippi River asked for the construction of the setback levee proposed. No one in Missouri and no one in behalf of the residents of Missouri asked for the floodway proposed. It is not being constructed for the benefit of Missouri or at the request of Missouri. It is done solely and admittedly for the protection of other areas. A comparatively small sum spent on the Missouri levees at this point would provide ample protection so far as Missouri is concerned.

But the plan proposed means that when the river rises to a certain level the 135,000 acres of Missouri will be flooded.

Records show that the average flood in the past has been once in five years, but there is no assurance that it may not come every year.

It developed also at the hearings that once the flood waters are permitted to enter this area and run back along the setback levee, the main levee now on the river bank will probably be destroyed, leaving the area for the future without protection of any kind.

It should be noted also that the diversion channels or floodways provided in the act designedly set apart certain channels and floodways to carry off diverted waters. The setback or guide levees are to be constructed for the purpose of making the area within them the bed or floor for the diversion channels or floodways.

It was in contemplation by Congress when it enacted the flood control bill that owners of land and property should receive just compensation for their property so taken, used, damaged, or destroyed by the Government by reason of these diversion channels and floodways.

It is not contended by any one, by landowners or property owners, that the Government should pay for damages resulting from the act of God or for consequential damages. The contention is not for compensation for such damages at all, but solely and exclusively for the damage caused by the process of the work to be done directly by the Government in carrying out the flood-control program.

In passing it should also be remembered that in the Missouri floodway a unique condition exists, in that the flood waters of the Mississippi River are to be designedly carried over the entire 200 square miles of Missouri territory and then dumped back into the Mississippi River. The Missouri floodway is being designedly constructed for the convenience of another area. Other floodways and spillways are being designedly constructed for the benefit of designated areas. Each floodway and spillway is a part of the flood-control program adopted by Congress for the general public welfare.

Under the procedure and policy determined upon by General Jadwin property owners in Missouri would contribute their property or have it taken, used, or damaged by the Government for the benefit of other areas.

In conclusion I desire to apologize for this long story but the matter is vital to my State. The governor of my State, the Legislature of Missouri, both Senators, and all 16 Congressmen, the press, and many civic organizations, are asking for delay on this work until, either by executive clarification or legislative enactment, the constitutional principle of just compensation is established. If this were my own opinion, I would have hesitated to express it, but it happens to be the opinion of 18 Senators and many more Congressmen from the nine alluvial valley States, practically all of whom are lawyers.

Very cordially yours,

HARRY B. HAWES.

REPUBLICAN PARTY DIFFERENCES

Mr. HARRISON. Mr. President, I shall not detain the Senate long, but there are some incidents of current history which, it seems to me, should be briefly considered, and I want to call them to the attention of the Senate.

It has not been so long ago for Senators to have forgotten that in the heat of the last presidential campaign the Republican candidate for President, Mr. Hoover, when he became frightened at political conditions in the West, expressed the purpose of calling an extra session of Congress to solve the farm problem should he be elected. The expression of that intention gladdened the hearts of those in the great farm belt of the country. Men out in the great wheat and corn fields of the Middle and far North West derived encouragement from that statement and were led to believe that it would be but a little while, should Mr. Hoover be elected, when Congress would convene and legislation solving their problems would immediately be passed.

So Mr. Hoover did call the extra session. We have been in session now for more than a month. The House passed its farm relief bill; the Senate, after days of earnest labor, also passed a farm relief bill, more in keeping with the promises to agriculture. The measure went to conference. The Senate conferees, following the instructions of the Senate, have labored hard and earnestly to adjust the differences between the two Houses to bring back to the Senate and to send back to the House a report on the farm relief bill.

It was to my amazement, and, I am sure, to the disgust of the great agricultural West, that there appeared in the headlines in newspapers throughout the country, even in the newspapers in the East, from one of which I am now reading, the statement:

House conferees walk out. Warn Senators to drop debenture from farm bill.

That is the way the conferees representing the House of Representatives have treated the conferees representing the Senate, who are carrying out the instructions of the Senate. If reports which are carried in the press be true, the Senate conferees have only requested that the House conferees carry back to the House the farm relief bill, so that the Representatives in that body may express themselves, as they have not yet been permitted to do, as to how they stand on the debenture; but no.

There is something strange about it. We have talked much about secrecy here in the Senate during the last week, but there is a mysterious something that is preventing the representatives of another body from carrying the debenture provision back to the House of Representatives and saying, "Let us vote upon it; then, if it shall be voted down, we will agree upon a report."

I congratulate the chairman of the Senate Committee on Agriculture and Forestry [Mr. MCNARY] and those who have worked with him in conference, representing the Senate, on the stand that they have taken; and, knowing those men as I do and as you do, Mr. President, the Senate may well realize that those worthy representatives of the great agricultural interests, of this body, and of the American people will never consent to give up until the House of Representatives shall have voted on the debenture proposition. Of course, I know there are Senators here who would like to protect Representatives of their States who are their political friends and allies in sparing them the necessity of voting on the debenture, but it is not right.

And, to my amazement, Mr. President, a gentleman representing the administration last evening, the spokesman of the Hoover administration, sallied forth in his yacht to old Boston town and made a speech, having, no doubt, just left a conference with the President. He told the American people what he thought concerning great public questions and as to some men in public life.

As I read his speech, I recalled the incident that happened here in the Senate only a few weeks ago when my friend, the Senator from Ohio [Mr. FESS], took occasion to write a letter to our mutual friend Marshall Sheppey, in which he styled certain Senators as "pseudo-Republicans," which raised a storm of indignation on the other side of the Chamber, and caused a great deal of concern at the other end of the Avenue also, for immediately, if the press reports be true, the President sent down a gilded invitation to the Senator from Idaho [Mr. BORAH] asking him to park his feet under the table and break bread with him; and, then, for fear that action might ruffle the tender feelings of my friend the Senator from Ohio the President immediately invited him to partake of the next meal at the White House. So we thought everything was well and good; that the difference had been ironed out and that really the President did not accept the views of the Senator from Ohio [Mr. FESS] that certain Senators here were "pseudo-Republicans."

Mr. KING. Mr. President, will the Senator yield for just a moment?

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Utah?

Mr. HARRISON. Yes; I yield.

Mr. KING. Many persons have been much perplexed in their efforts to determine which was the more important meal, luncheon or dinner. This question has been more important because of recent eruptions in the Republican Party. The question has become somewhat acute because of Executive action in smoothing out difficulties among Republican Senators. In accomplishing this the Senator from Idaho was a luncheon guest; but the honor was reserved for the Senator from Ohio [Mr. FESS] to be a dinner guest. It would appear, therefore, that if dinner is the more important event the President accorded the greater honor to the Senator from Ohio.

Mr. HARRISON. I am going to refer that question to the Secretary of State, Mr. Stimson, and let him decide it. [Laughter.]

Mr. President, I have before me some of the charges the spokesman of the White House, the Secretary of the Navy, delivered in his first broadside against certain Senators last evening. Let us see what he says:

SECRETARY ADAMS RAPS G. O. P. REBELS—NAVY CHIEF PRAISES HOOVER AND LONGWORTH AT BOSTON DINNER—SAYS CABINET IS LOYAL

BOSTON, May 27 (N. Y. W. N. S.).—Charles Francis Adams, Secretary of the Navy, sharply criticized the Republican insurgent group in Congress in his first public address since assuming office, delivered at a dinner and reception in his honor under the auspices of the Republican Club of Massachusetts here to-night.

Excoriating the dozen insurgent Republicans in the Senate as obstructors of legislation, Secretary Adams gave his view of Washington as a Government with a "very brilliant administrative side and a legislative side that is very foggy."

"How can we expect to get orderly government where there is no political order. There are perhaps 12 men in the Senate called Republicans who owe allegiance to no party.

He had in mind the 14 Republican Senators who voted for the debenture plan. I do not know which 12 of the 14 he has selected to become the target for his criticism. The list of Republicans who voted for the debenture plan includes some very distinguished men. Certainly Secretary Adams did not mean to include the senior Senator from Idaho [Mr. BORAH]. He certainly did not mean to include the senior Senator from Oklahoma [Mr. PINE], or the Senator from South Dakota [Mr. NORBECK], or his colleague from South Dakota [Mr. MCMASTER], or the Senator from Minnesota [Mr. SCHALL]. I will put the list in the RECORD, with the permission of the Senate.

The VICE PRESIDENT. Without objection, permission is granted.

The list is as follows:

LIST OF REPUBLICAN SENATORS WHO VOTED FOR DEBENTURE PLAN

1. Mr. Blaine, of Wisconsin.
2. Mr. Borah, of Idaho.
3. Mr. Brookhart, of Iowa.
4. Mr. Frazier, of North Dakota.
5. Mr. Howell, of Nebraska.
6. Mr. Johnson, of California.
7. Mr. La Follette, of Wisconsin.
8. Mr. McMaster, of South Dakota.

9. Mr. Norbeck, of South Dakota.
10. Mr. Norris, of Nebraska.
11. Mr. Nye, of North Dakota.
12. Mr. Pine, of Oklahoma.
13. Mr. Schall, of Minnesota.
14. Mr. Shipstead, of Minnesota.

Mr. HARRISON. Secretary Adams further said:

You can't call them Republicans, because they are only responsible to certain forces in their own States, a fact that was shown in the recent agricultural bill, where the insurgents joined forces with the Democrats.

"They are only responsible to certain forces in their own States." That convinces me that the Secretary of the Navy did not have in mind the distinguished Senator from Idaho [Mr. BORAH], because if there is one man in the Republican Party who in the last campaign was called upon by those who directed the Republican forces and sent here, there, and everywhere, it was the Senator from Idaho. Of course, at times the Senator from Idaho had his share of controversies over securing radio set-ups. At some places, such as in Boston, the city of Mr. Adams, Chairman Work did not choose to give him all the radio time that he desired; but he spoke everywhere, and I say as one who knew a little about what was going on in that campaign, that the senior Senator from Idaho rendered greater service to the Republican Party and contributed more to its victory in that campaign than even the presidential candidate himself.

Then there is my friend, the distinguished Senator from Iowa [Mr. BROOKHART]. He went all over the country promising the farmers what Mr. Hoover would do for them. They accepted his word. He was willing to give them bond to guarantee it. Yet here is the spokesman of Mr. Hoover now so soon criticizing the distinguished Senator from Iowa.

Mr. BROOKHART. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Iowa?

Mr. HARRISON. I yield.

Mr. BROOKHART. Is this Charles Francis Adams the same Charles Francis Adams who was for many years among the distinguished insurgents in the State of Massachusetts?

Mr. BORAH. He was not distinguished.

Mr. HARRISON. I do not know. I know, though, that later on he speaks of some very obscure Senators.

Mr. BROOKHART. Is he the same one who was at one time invited to be an elector on the Democratic ticket?

Mr. HARRISON. I do not know as to that. Of course, he got his facts confused as soon as he became associated with Republicans. Perhaps he was a pretty good fellow when he was in the Democratic ranks. [Laughter.]

Mr. BROOKHART. He does come from the Democratic State of Massachusetts, I believe. [Laughter.]

Mr. HARRISON. Yes. Secretary Adams, according to the press reports, further said:

What is to be done? You can not blame the President. If he had nine lives he wouldn't have time enough to change the situation.

In the House there is a different situation. Washington feels very cordially toward NICHOLAS LONGWORTH for the great job he has done in organizing the House. He is a great personality.

Speaker LONGWORTH has a fine personality; he is a fine and able fellow, but he is approaching more nearly to the czarism of Speaker Reed than any speaker since those days. If such a man as my friend the senior Senator from Nebraska [Mr. NORRIS] was now a member of the House of Representatives there would be caused to be started a revolt in this country that would sweep it from one end to the other.

Why is the distinguished Speaker of the House taken up and praised, while these men are criticized who helped to elect Mr. Hoover to high office, and whose only guilt consists in trying to redeem the pledge that their President and they themselves made to the great audiences which they addressed in the last campaign by trying to vote for real relief for the American farmer? Is the Speaker of the House praised by this White House spokesman as "a great personality," as welding together a great organization there, because of the fact that now that organization strangles and keeps within the secret chambers of the conference committee room and is now killing by degrees the farm relief measure? Is that why these men are championed? These so-called insurgents deserve praise rather than the castigation that they now receive from those close to this administration.

I noticed in this morning's paper that the price of wheat had broken until now it is only 98½ cents a bushel. Then I looked at the price on November 1, when Mr. Hoover promised to call an extra session to deal with farm relief and pass farm-relief legislation—when the President was seeking farm votes—and the price of wheat then was $1.25 a bushel. Twenty-seven million dollars in so short a time wiped out on wheat alone because you failed or refused to assist in passing real farm-relief legislation.

Corn has dropped, as have the price of other agricultural products. Ah! if the Democratic Party had been successful last November, and we had controlled these two bodies, you would have said, "Oh, when the old Democratic Party gets into control panics come; prices decline; we told you so." Ah, but we are living in this "Hoover prosperity" era. The farmers are going to be taken care of; and just at the time when wheat is declining, and the farm relief bill is locked up in the conference room with the House leadership being praised by the spokesman of this administration, we read that yonder in the White House, breakfasting together, are the leader of the Republicans in this body [Mr. WATSON], the Speaker of the House who, Mr. Adams says, is "a great personality," and the leader of the Republicans in the House [Mr. TILSON]. Then the news is flashed that we are going to recess until September 15, I believe, and adjourn on November 10. What is going to become in the meanwhile of farm relief? That is now held in the secret confines of the conference room. Is he going to give up so quickly? Will he not show some fight? What influence is now working upon him that was so nonassertive during the tense campaign days of last October.

But that is not all.

Citing the tariff bill, the speaker said it was an example of a measure put through the House only to "be torn to shreds in the Senate and finally turned into a bill that will muster votes by an obscure conference committee."

I am sorry my friend from Utah [Mr. SMOOT] is not here, listening to what the White House spokesman, speaking in Boston, says about the "obscure conference committee." Why, if the tariff bill should pass and go to conference, one of the conferees representing the Republican Party upon the part of the Senate will be the distinguished senior Senator from Utah [Mr. REED SMOOT]. Is he obscure? Why, children have lisped the name of REED SMOOT; they have read it a million times before they ever heard of this mighty spokesman of the White House.

Not only that, I do not see my friend the Senator from Pennsylvania [Mr. REED]. He is not obscure. He made his reputation first by defending Mellon, not only out of the Chamber but in here, and then whatever publicity he had not received from that he certainly received when he defended Mr. VARE on the floor of the Senate.

And then the other Republican conferee—is he obscure? Whatever you say about the senior Senator from Indiana [Mr. WATSON], he is not obscure. [Laughter.] He has either been in public life or trying to break into public life ever since he reached his majority.

That is the way in which this new Cabinet member, Mr. Adams, speaks of Republican dignitaries.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. HARRISON. I gladly yield to my friend.

Mr. BINGHAM. I hope the Senator will not stop in his reference to the "obscure" conferees, remembering that the Senator from Mississippi is going to be a member of the conference committee.

Mr. HARRISON. Well, of course, modesty prevents me from going farther. [Laughter.]

Through all this fog—

Says Mr. Foghorn Adams—

the great figure of Hoover emerges.

Has he ever cracked his whip over the House conferees to get them to agree on some farm relief bill and send some ray of hope to these wheat growers, who are now losing millions every day? Has he ever cracked his whip or brought to bear any influence for any real legislation here? Have you seen any public utterance where he tried to get the House Republicans to stay within certain limits in framing the tariff legislation? No. He has been up in the White House, giving no expression to his views, as negative a quantity so far in the matter of pointing the way to his party as any President we have ever had.

Let us go farther:

Hoover will have loyal support in the Cabinet, the Secretary predicted, from a "group who will handle Government affairs admirably and honestly."

He recommends himself pretty highly; do you not think so? Yes, Mr. President—

Little Charlie Adams sat in the corner
Eating his Hoover pie;
He put in his thumb, and pulled out a plum,
And said, "What a big boy am I!"

[Laughter.]

DECENNIAL CENSUS AND APPORTIONMENT OF REPRESENTATIVES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, the pending question being on Mr. SACKETT's amendment, in section 22, page 16, line 15, after the word "State," to insert the words "exclusive of aliens and," so as to make the section read:

SEC. 22. That on the first day, or within one week thereafter, of the second regular session of the Seventy-first Congress and of each fifth Congress thereafter, the President shall transmit to the Congress a statement showing the whole number of persons in each State, exclusive of aliens and excluding Indians not taxed, as ascertained under the fifteenth and each subsequent decennial census of the population, and the number of Representatives to which each State would be entitled under an apportionment of the existing number of Representatives made in the following manner: By apportioning the existing number of Representatives among the several States according to the respective numbers of the several States as ascertained under such census, by the method used in the last preceding apportionment, no State to receive less than one Member.

The VICE PRESIDENT. The question is on the amendment of the Senator from Kentucky [Mr. SACKETT].

Mr. HEFLIN and others called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. TYDINGS (when his name was called). On this vote I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. Not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. ALLEN. On this vote I have a special pair with the Senator from Nevada [Mr. ODDIE], and in his absence I withhold my vote. Were the Senator from Nevada present, he would vote "nay," and if I were permitted to vote I would vote "yea."

Mr. BINGHAM (after having voted in the negative). I have a general pair with the junior Senator from Virginia [Mr. GLASS]. I understand that if he were present he would vote "yea." As I am unable to obtain a transfer, I withdraw my vote.

Mr. ASHURST. I wish to announce that my colleague [Mr. HAYDEN] is absent from the Chamber on a very important conference relating to the Colorado River. He is paired with the junior Senator from Arkansas [Mr. CARAWAY]. If my colleague were present, he would vote "nay," and if the Senator from Arkansas were present and permitted to vote he would vote "yea."

Mr. GEORGE. I wish to inquire if the senior Senator from Colorado [Mr. PHIPPS] has voted?

The VICE PRESIDENT. He has not voted.

Mr. GEORGE. I have a general pair with the senior Senator from Colorado [Mr. PHIPPS], who, I am advised, is unavoidably detained from the Senate at this moment on official business. If he were present, he would vote "nay," and if I were privileged to vote I would vote "yea."

Mr. SCHALL. I wish to announce that my colleague [Mr. SHIPSTEAD] is ill in the hospital.

Mr. SHEPPARD. I desire to announce that the senior Senator from New Mexico [Mr. BRATTON] is paired with the junior Senator from New Mexico [Mr. CUTTING]. If present, the senior Senator from New Mexico [Mr. BRATTON] would vote "nay" and the junior Senator from New Mexico [Mr. CUTTING] would vote "yea."

I also desire to announce that the junior Senator from Oklahoma [Mr. THOMAS] is necessarily detained on official business. If present, he would vote "yea."

I also announce that the Senator from Wyoming [Mr. KENDRICK] and the Senator from Nevada [Mr. PITTMAN] are necessarily detained from the Senate on official business.

I also desire to announce that the Senators from Arkansas [Mr. ROBINSON and Mr. CARAWAY] are necessarily out of the city. This announcement may stand for the day.

Mr. HEFLIN. Mr. President, I ask for a recapitulation of the vote.

The Chief Clerk again recapitulated the vote, and the result was announced—yeas 29, nays 48, as follows:

YEAS—29

Barkley	Harris	Nye	Smith
Black	Harrison	Overman	Steck
Blease	Hawes	Pine	Swanson
Brookhart	Heflin	Robinson, Ind.	Trammell
Capper	Howell	Sackett	Tyson
Dill	McKellar	Schall	
Fletcher	McMaster	Sheppard	
Frazier	Norbeck	Simmons	

NAYS—48

Ashurst	Glenn	Keyes	Stephens
Blaine	Goff	King	Thomas, Idaho
Borah	Goldsborough	La Follette	Townsend
Broussard	Gould	McNary	Vandenberg
Burton	Greene	Metcalf	Wagner
Connally	Hale	Moses	Walcott
Copeland	Hastings	Norris	Walsh, Mass.
Couzens	Hatfield	Patterson	Walsh, Mont.
Deneen	Hebert	Ransdell	Warren
Edge	Johnson	Reed	Waterman
Fess	Jones	Shortridge	Watson
Gillett	Kean	Steiwer	Wheeler

NOT VOTING—18

Allen	Dale	Oddie	Smoot
Bingham	George	Phipps	Thomas, Okla.
Bratton	Glass	Pittman	Tydings
Caraway	Hayden	Robinson, Ark.	
Cutting	Kendrick	Shipstead	

So Mr. SACKETT's amendment was rejected.

Mr. HARRISON. Mr. President, I desire to offer an amendment.

The VICE PRESIDENT. The Senator from Mississippi offers an amendment, which will be reported.

The CHIEF CLERK. On page 16, strike out lines 11 to 25, inclusive, in the following words:

SEC. 22. That on the first day, or within one week thereafter, of the second regular session of the Seventy-first Congress and of each fifth Congress thereafter, the President shall transmit to the Congress a statement showing the whole number of persons in each State, excluding Indians not taxed, as ascertained under the fifteenth and each subsequent decennial census of the population, and the number of Representatives to which each State would be entitled under an apportionment of the existing number of Representatives made in the following manner: By apportioning the existing number of Representatives among the several States according to the respective numbers of the several States as ascertained under such census, by the method used in the last preceding apportionment, no State to receive less than one Member.

And in lieu thereof insert:

SEC. 22. That before the expiration of the second regular session of the Seventy-first Congress and of each fifth Congress thereafter, the President shall transmit to the Congress a statement showing the whole number of persons (stating separately the number of aliens) in each State, excluding Indians not taxed, as ascertained under the fifteenth and each subsequent decennial census of the population, and the number of Representatives to which each State would be entitled under an apportionment of the then existing number of Representatives made in each of the following manners: (1) By apportioning the then existing number of Representatives among the several States according to the respective numbers of the several States (including aliens but excluding Indians not taxed) as ascertained under such census, by the method used in the last preceding apportionment, no State to receive less than one Member, and (2) by apportioning the then existing number of Representatives among the several States according to the respective numbers of the several States (excluding Indians not taxed and aliens) as ascertained under such census, by the method used in the last preceding apportionment, no State to receive less than one Member.

And on page 17 strike out lines 1 to 7, inclusive, in the following words:

If the Congress to which the statement required by section 1 is transmitted fails to enact a law apportioning Representatives among the several States, then each State shall be entitled, in the second succeeding Congress and in each Congress thereafter until the taking effect of a reapportionment on the basis of the next decennial census, to the number of Representatives shown in the statement; and it.

And insert in lieu:

If the Congress to which the statement required by this section is transmitted, and the succeeding Congress, fail to enact a law apportioning Representatives among the several States, then each State shall be entitled, in the third Congress succeeding the Congress to which such statement is transmitted, and in each Congress thereafter until the taking effect of a reapportionment on the basis of the next decennial census, to the number of Representatives shown in clause (1) of the statement; except that upon the ratification of any amendment to the Constitution excluding aliens from the persons to be counted in making an apportionment of Representatives then each State shall be entitled, in the second Congress succeeding the Congress during which such ratification occurs, and in each Congress thereafter until the taking effect of a reapportionment on the basis of the next decennial census, to the number of Representatives shown in clause (2) of the statement. It.

Mr. HARRISON. Mr. President, I want to explain this amendment briefly, so as to indicate just what is intended to be accomplished by it.

Under the bill the President of the United States, following the enumeration, will submit, either on the first day of the December session of Congress the next year, or within a week

following the opening of the session, his statement showing the apportionment based upon the census, and the Congress will have that short session in which to legislate. If they fail, then of course the statement of the President will become the law and apportionment will be made accordingly.

This amendment seeks to change that in two particulars. One particular is that the statement can be filed by the President with the Congress at any time during that particular session of the Congress, namely, instead of having a week, or filing the statement on the 1st of December, the President may have until the 4th day of the March following, or three months, in which to file the statement.

That would, in the first place, give the Census Bureau plenty of time in which to take the census, and it might give them more time in which to reveal any frauds which might occur, and so on.

Then the amendment would give the following Congress an opportunity to pass the apportionment bill. If it should fail during that Congress, then it would become the law, as intended by the original bill.

The amendment seeks to change the bill in another respect; that is, that in the event Congress should adopt an amendment to the Constitution, and it should be ratified by a sufficient number of States, then the President or the Congress shall, according to the wording of the amendment, take into consideration the number of aliens found to be in the United States under the census, and according to the constitutional amendment, in each State, and make the apportionment excluding the aliens in that event.

No one would contend that if the Congress should adopt an amendment to the Constitution specifically excluding aliens in the enumeration and in the apportionment, that should operate then for eight years or six years following the adoption of the amendment, but it would be fair for the Congress or the President, to put into effect immediately, according to the amendment, an apportionment not taking aliens into consideration.

I will be glad to answer any questions with regard to the amendment. I have tried to make myself clear with reference to the intention of the amendment.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the junior Senator from Washington?

Mr. HARRISON. I yield.

Mr. DILL. I want to get clear whether I am right in my viewpoint, that under the amendment Congress would be given two years instead of three months in which to make the apportionment.

Mr. HARRISON. It would give Congress two years in which to make it.

Mr. DILL. Is there any other change the amendment would make?

Mr. HARRISON. Only this change, that in the event the constitutional amendment should be ratified excluding aliens in making an apportionment, that shall be put into effect.

Mr. JONES. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. JONES. If I understood the Senator correctly, he referred to the adoption of an amendment to the Constitution by Congress. Congress can submit an amendment to the States for their ratification, but the amendment does not become effective until three-fourths of the States ratify it.

Mr. HARRISON. I think the Senator misunderstood me. I think I said that if Congress should adopt the amendment and a sufficient number of States should ratify it, and it should become an amendment to the Constitution, in that event the apportionment should be changed, and aliens should be excluded.

Mr. JONES. I did not hear that part of the Senator's remarks.

Mr. KING. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. KING. Would not the amendment offered by the Senator, if it is accepted, call really for the acceptance of the view that we would not legislate for more than the next apportionment following the taking of a census? In other words, if the amendment of the Senator is wise, would it not logically require us to limit our work to the first apportionment?

Arguments have been made, and I understand by the Senator, at least by those who have entertained some of his views, that one of the vices of this bill, indeed, a vice so great as to make it unconstitutional, under the view of some, is that it commits to the President of the United States a legislative function, that it attempts to legislate for all time instead of limiting the provisions of the bill to the first census and the first apportionment under it. I ask the Senator why he does not limit his amendment to the first census and to the first apportionment and not take into account the possibility of a constitutional amendment and project his amendment into the future, thus subjecting it to the criticism which has been made of the bill that it attempts to bind future Congresses.

Mr. HARRISON. For the reason that if the bill in its original form should pass and the Congress in the December session next year should not enact legislation, then on the 4th of March the apportionment takes place under the terms of the bill. It is a permanent law. I can vision that a very small minority might obstruct any change in the apportionment provision after it shall have become effective. As was pointed out by the Senator from Alabama, suppose in the December session of Congress the Congress should pass an apportionment bill and the President should veto it. Then those who wanted a change would have to muster a two-thirds vote, and one-third could defeat the legislation.

I have offered the amendment in order to aid those of us who entertain the view that aliens should be excluded, that in the event under the orderly form of our Government the Constitution should be amended, then it shall be taken into consideration and the same provisions then applied as are now sought to be applied against it. It seems to me it is very fair and very just, and that those who take the different view from us with reference to aliens being counted in the enumeration could very well support the proposition because if we should ratify a constitutional amendment excluding aliens, certainly in that event the apportionment ought to be made as early as possible, carrying out the views of the American people with reference to it and excluding aliens. That is all it seeks to do.

Mr. BROUSSARD. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Louisiana?

Mr. HARRISON. I yield.

Mr. BROUSSARD. I am opposed to any delegation of power to the President or anyone else and I am opposed to legislating for future apportionments. I voted against the amendment of the Senator from Kentucky [Mr. SACKETT] providing for the exclusion of aliens——

Mr. HARRISON. May I say right there that the Senator voted against the amendment excluding aliens because he contends that under the Constitution we have no right to make the apportionment in that way. If we should ratify an amendment to the Constitution and that amendment should specifically exclude aliens, then the Senator, in keeping with the Constitution, would not think of voting for any other kind of an apportionment.

Mr. BROUSSARD. Oh, I would not think of legislating now upon a subject about which I claim we have no authority to legislate.

Mr. HARRISON. But the trouble is we are proposing to legislate and we are trying to protect ourselves from improper legislation.

Mr. BROUSSARD. An amendment was offered which I supported with my vote limiting it to the coming year and of course by adopting the amendment now offered we continue this legislation in accordance with the views of those who are insisting upon that theory.

Mr. HARRISON. We are giving to the President first, three months in which to file his statement, and then we are giving to the full Congress time to consider and enact legislation.

Mr. BROUSSARD. If the Senator will separate that from the rest of the amendment, I will support that provision, but the rest of it I can not support any more than I could the proposition of the Senator from Kentucky.

Mr. VANDENBERG. Mr. President, of course, two totally unrelated matters are proposed in connection with the amendment now submitted by the Senator from Mississippi. Why they are joined together I am unable to say.

Mr. HARRISON. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Mississippi?

Mr. VANDENBERG. I yield.

Mr. HARRISON. Which one of the two unrelated propositions will the Senator accept?

Mr. VANDENBERG. If the Senator will permit me to proceed I will try to indicate my feeling regarding the entire matter.

Mr. HARRISON. I was just going to say to the Senator that in order to save time—because I know he is trying to expedite the passage of the bill—if he thinks they are two different and unrelated propositions and wants to separate them, I shall make no objection to separating them, and we will vote on them separately.

Mr. VANDENBERG. The proposition that the legislation in its additional status should harmonize with any future change

in the Constitution is a perfectly ridiculous proposition. The language used by the Senator from Mississippi in his amendment upon that proposition seems to me to be rather involved.

Mr. HARRISON. If it is involved it is because of the peculiar question with which we are dealing. The Senator some time in the debate quoted from the legislative counsel. The Legislative Reference Bureau drafted my amendment. Of course, if the Senator thinks he could make it clearer, then I am willing to accept an amendment to clarify it.

Mr. VANDENBERG. I think I could do so.

Mr. HARRISON. The expert draftsmen are the ones who prepared it. The experts drafted it, not I.

Mr. VANDENBERG. The Senator's reliance upon the experts is spasmodic. I should say the section of the bill might well provide that upon the ratification of any amendment to the Constitution excluding aliens from the persons to be counted in making an apportionment of Representatives, then the provisions of the section similarly shall exclude the aliens in all respects from the statement and the apportionment therein provided.

But that is purely a minor phase of the proposition submitted by my able friend from Mississippi. In a nutshell, the amendment submitted by the Senator is an effort to stave off reapportionment for two final years. It would perpetuate the existing trespass until 1934. That is the real purpose which is sought to be reached. It would permit the election of one more Congress on an anticonstitutional basis and one more President through a presidential Electoral College erected on an anticonstitutional basis.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Washington?

Mr. VANDENBERG. I yield.

Mr. DILL. Would the Senator have the same objection if it applied only to future reapportionments after the first one ahead of us?

Mr. VANDENBERG. The Senator would not have the same objection, I will say to my friend from Washington, because in this particular situation where already Congress is guilty of a default of nearly a decade I feel that it is almost a travesty upon good faith to talk about making now a new apportionment and still putting it forward four or five additional years.

Mr. DILL. I agree with the Senator as to this apportionment, but I think the Senator must agree that it is almost impossible to consider a piece of disputed legislation and pass it through this body that must be introduced after we convene for the short session of Congress. I for one think the worst feature of the bill as it came from the committee is the provision which allows Congress only three months in which to reapportion or be at the mercy of the old rule of advice of the President.

Mr. VANDENBERG. Mr. President, much as I should like to yield to my friends, I shall have to ask the privilege of proceeding without interruption because of the time limit, unless I am through within the time limit, which result I hope I shall be able to accomplish.

The Senator's amendment presents a very plausible hypothesis. It is said that Congress should have a longer preliminary opportunity to pass its own apportionment bill before the automatic section becomes operative. But this excuse is answered by the record. It is answered by the record which proves that four out of the last five reapportionment bills have been passed in short sessions, and in my judgment no reapportionment bill ever will have any difficulty in passing in a short session if there is a will resident in the Congress to meet that constitutional duty. If the will is not present in the Congress, then I submit that under the terms of the bill the presumption should run in favor of the Constitution rather than against it. That is the only change in the situation. We had a short session of Congress a few months ago in which precisely the type of situation indicated by the Senator from Mississippi did arise, and, using his own language, it was possible for a minority, and I think a very small minority, to intrench against the passage in the Senate of reapportionment legislation which had been approved by the House of Representatives. Under the bill, if that situation were to arise as a result of the language and the structure here provided, it would simply reverse the presumption and make it difficult to defeat the automatic reapportionment.

But the bill pegs a point over which Congress can not pass without having reapportionment become operative on a fixed and standard basis. We have accepted an amendment offered by the distinguished Senator from Montana [Mr. WALSH] which specifically permits every future Congress to deal with the matter precisely as it sees fit, wholly as a free agent, without any restraint, without limitation whatsoever. We have taken that language submitted by the Senator from Montana and put it in the bill. I am glad it is in the bill. It is wholly in line with the purpose I had in mind in offering the legislation—no purpose to bind future Congresses beyond the decennial peg points at which something must happen. That is the theory of the bill.

I repeat that it would be a travesty upon good faith for this Congress to pretend to answer the apportionment problem and set that peg over to 1934. That is the sole issue before the Senate. Shall we prolong to put in here the period of trespass and default and contempt under which great American constituencies are suffering to-day? Shall we in good faith undertake to write a formula which permits Congress a fair opportunity to speak for itself but which denies to Congress for one specific period the right of inertia? Shall we undertake to meet our problem in that fashion in the good faith which the American people are expected to ask of us? If we should, most assuredly 1932 is the year when the apportionment should take effect. It is the first possible time it can take effect after the 1930 census. There is ample opportunity and ample time for the taking of a census and the report and the subsequent action of the Congress. There is no reason on earth, save the selfish reason of trying to save improper representation for two more years. There is no other reason that can defend the amendment.

Mr. DILL. Mr. President, I shall not consume much time, but I am much disappointed in the Senator from Michigan that he is so set upon the apportionment question at this time affecting the immediate congressional apportionment that he is willing and desirous to disregard the constitutional method of apportionment in the future laid down in the Constitution itself. He points out the fact that in the last four or five apportionments it has been done during a short session immediately following a census. Yet he has before him the case of the failure of Congress to apportion over a series of Congresses.

He is desirous of tying every Congress to a three months' consideration of apportionment or else have the Executive take action that has never been taken in the history of this Government. I am anxious to see the House of Representatives reapportioned; I believe that Congress has failed to do its duty; I have no desire to see the passage of the pending apportionment bill put off for a single day longer than is necessary; but what I complain of in the argument of the Senator from Michigan [Mr. VANDENBERG] is that it wholly disregards the fact that if a few men should undertake to prevent an apportionment in a Congress in the future, this great power would be turned over to the Executive. I believe that Congress ought to be given a fair chance, a fair opportunity, in a regular session to do its duty, and then, if it fails to do its duty when it has had a full opportunity during two sessions, that power may, with some propriety, be turned over to the Executive.

I am anxious to have the bill pass; I am anxious to see reapportionment brought about; but I think we should keep in mind a little bit the proper spheres of the legislative and executive departments of the Government.

I have but little interest in the second part of the amendment, because I do not think the Constitution is going to be amended as referred to therein, and I do not see very much use in legislating as to something that may never happen and which can be better met if that should happen; but I do hope that Senators in charge of the bill will see their way clear to allow this proposed legislation to be amended in such a manner as will give future Congresses the opportunity to act without delegating the power to the Executive after a mere three months' session of Congress.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. HARRISON].

Mr. VANDENBERG. I ask for the yeas and nays.

Mr. McKELLAR. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Dale	Harris	Moses
Ashurst	Deneen	Harrison	Norris
Barkley	Dill	Hastings	Nye
Bingham	Edge	Hatfield	Oddie
Black	Fess	Hayden	Overman
Blaine	Fletcher	Hebert	Patterson
Blease	Frazier	Heflin	Phipps
Borah	George	Johnson	Pine
Brookhart	Gillett	Jones	Pittman
Broussard	Glass	Kean	Ransdell
Burton	Glenn	King	Reed
Capper	Goff	La Follette	Robinson, Ind.
Connally	Goldsborough	McKellar	Sackett
Copeland	Gould	McMaster	Schall
Couzens	Greene	McNary	Sheppard
Cutting	Hale	Metcalf	Shortridge

Simmons	Swanson	Tyson	Walsh, Mont.
Smith	Thomas, Idaho	Vandenberg	Warren
Steck	Townsend	Wagner	Watson
Steiwer	Trammell	Walcott	Wheeler
Stephens	Tydings	Walsh, Mass.	

The VICE PRESIDENT. Eighty-three Senators have answered to their names. A quorum is present. The question is on the amendment offered by the Senator from Mississippi, on which the yeas and nays have been demanded.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GILLETT (when his name was called). I am paired on this question with the Senator from Arkansas [Mr. CARAWAY]. If I were at liberty to vote, I should vote "nay."

Mr. METCALF (when his name was called). On this question I have a pair with the Senator from Arkansas [Mr. ROBINSON]. If I were permitted to vote, I should vote "nay."

The roll call was concluded.

Mr. CUTTING (after having voted in the negative). I inquire if my colleague the senior Senator from New Mexico [Mr. BRATTON] has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. CUTTING. I have a pair with my colleague. Not knowing how he would vote on this amendment, I withdraw my vote.

Mr. BINGHAM. I have a general pair with the Senator from Virginia [Mr. GLASS]. I transfer that pair to the junior Senator from Colorado [Mr. WATERMAN] and will vote. I vote "nay." I understand that, if present, the Senator from Virginia [Mr. GLASS] would vote "yea."

The result was announced—yeas 24, nays 55, as follows:

YEAS—24

Barkley	Dill	McKellar	Smith
Black	Frazier	McMaster	Steck
Blease	George	Nye	Stephens
Brookhart	Harris	Reed	Swanson
Connally	Harrison	Sackett	Tydings
Dale	Heflin	Sheppard	Tyson

NAYS—55

Allen	Glenn	La Follette	Simmons
Ashurst	Goff	McNary	Steiwer
Bingham	Goldsborough	Moses	Thomas, Idaho
Blaine	Gould	Norris	Townsend
Borah	Greene	Oddie	Trammell
Broussard	Hale	Overman	Vandenberg
Burton	Hastings	Patterson	Wagner
Capper	Hatfield	Phipps	Walcott
Copeland	Hayden	Pine	Walsh, Mass.
Couzens	Hebert	Pittman	Walsh, Mont.
Deneen	Johnson	Ransdell	Warren
Edge	Jones	Robinson, Ind.	Watson
Fess	Kean	Schall	Wheeler
Fletcher	Keyes	Shortridge	

NOT VOTING—16

Bratton	Glass	King	Shipstead
Caraway	Hawes	Metcalf	Smoot
Cutting	Howell	Norbeck	Thomas, Okla.
Gillett	Kendrick	Robinson, Ark.	Waterman

So Mr. HARRISON's amendment was rejected.

OPEN EXECUTIVE SESSIONS AND PRIVILEGES OF THE FLOOR

Mr. HARRISON obtained the floor.

Mr. MOSES. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. HARRISON. I do.

Mr. MOSES. I ask unanimous consent, out of order, to submit two reports from the Committee on Rules and ask that they be printed.

The VICE PRESIDENT. Without objection, the reports will be received.

Mr. MOSES, from the Committee on Rules, to which was referred the resolution (S. Res. 19) to amend paragraph 2 of Rule XXXVIII relating to proceedings on nominations in executive session, reported it with amendments.

He also, from the same committee, reported a resolution (S. Res. 76), as follows:

Resolved, That Rule XXXIII of the Standing Rules of the Senate be amended to read as follows:

"RULE XXXIII

"PRIVILEGE OF THE FLOOR

"No person shall be admitted to the floor of the Senate while in session, except as follows:

"The President of the United States and his private secretary.

"The President elect and Vice President elect of the United States.

"Ex-Presidents and ex-Vice Presidents of the United States.

"Judges of the Supreme Court.

"Ex-Senators and Senators elect.

"The officers and employees of the Senate in the discharge of their official duties.

"Ex-Secretaries and ex-Sergeants at Arms of the Senate.

"Members of the House of Representatives and Members elect.

"Ex-Speakers of the House of Representatives.

"The Sergeant at Arms of the House and his chief deputy, the Clerk of the House and his deputy, and the Doorkeeper of the House.

"Heads of the executive departments.

"Ambassadors and ministers of the United States.

"Governors of States and Territories and insular possessions.

"The General of the Armies and the Chief of Staff of the Army.

"The Chief of Operations of the Navy.

"Members of national legislatures of foreign countries which extend reciprocal courtesy to Members of the Congress of the United States.

"Commissioners of the District of Columbia.

"The Librarian of Congress and the Assistant Librarian in charge of the Law Library.

"The Architect of the Capitol.

"Clerks of Senate committees and clerks to Senators when in the actual discharge of their official duties. Clerks to Senators, to be admitted to the floor, must be regularly appointed and borne upon the rolls of the Secretary of the Senate as such."

Mr. MOSES. I further ask unanimous consent that these reports may be taken up for consideration at 3 o'clock on Thursday of next week; and I invite the attention of the Senator from Washington to my request.

The VICE PRESIDENT. Does the Senator from Mississippi yield for that purpose?

Mr. HARRISON. I yield.

Mr. JONES. Mr. President, that is entirely agreeable to me. I understand that several Senators have to be away for various reasons, and it probably would be almost impossible to take up the matter before that date. I am perfectly willing to agree that that order shall be made.

Mr. BORAH. Mr. President, I do not desire to consent to that proposal until some arrangement is made about some other matters which are on the calendar.

The VICE PRESIDENT. Objection is made. The reports will be printed, and go to the calendar.

Mr. HARRISON. I ask unanimous consent that the minority members of the Rules Committee may also file minority reports if they desire to do so.

The VICE PRESIDENT. Without objection, leave is granted.

DECENNIAL CENSUS AND APPORTIONMENT OF REPRESENTATIVES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress.

Mr. HARRISON. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The Senator from Mississippi offers an amendment, which will be stated.

The CHIEF CLERK. On page 16, lines 11 and 12, it is proposed to strike out the words "on the first day, or within one week thereafter, of the" and to insert in lieu thereof the words "before the expiration of the."

On page 17, beginning in line 1, it is proposed to strike out through the word "Congress," in line 4, and to insert in lieu thereof the following:

If the Congress to which the statement required by section 1 is transmitted, and the succeeding Congress, fail to enact a law apportioning Representatives among the several States, then each State shall be entitled, in the third Congress succeeding the Congress to which such statement is transmitted——

Mr. HARRISON. Mr. President, the whole idea of this amendment is to give to the President one short session of Congress, from December to March, in which to file his statement, and that the Congress shall have one full Congress thereafter in which to consider this great question.

May I say that in reading over the dates of passage of the various apportionment bills I observed that with but two exceptions the Congress has always taken at least three years from the taking of the census before the apportionment bill was passed; and in every one of those there was an increased number of Representatives, and no very great increase in the population. We are here confronted with a large increase in population with no increase in the number of Representatives, causing a disarrangement in all the States of this Union; and I submit that in such an important matter as this at least one full Congress should be given the opportunity to consider this important question and pass a bill dealing with it before it shall become the law.

Mr. DILL. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Washington?

Mr. HARRISON. I yield.

Mr. DILL. I am interested in what the Senator says about the length of time it has taken to apportion Representatives, because a few moments ago the Senator from Michigan [Mr. VANDENBERG] said that in the last four or five cases the apportionment had been made in the short session following the census. I desire to know who is correct.

Mr. VANDENBERG. Mr. President——

Mr. HARRISON. I can read them off if the Senator desires to have me do so.

Mr. VANDENBERG. Mr. President, will the Senator permit me to make a statement?

Mr. HARRISON. I yield.

Mr. VANDENBERG. There is no disharmony in the two statements that have been made. The Senator from Mississippi is discussing the length of time that has intervened between a census and the final action of Congress. I have been discussing the character of the session, whether short or long, in which the action has occurred.

Mr. DILL. Mr. President, will the Senator yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Mississippi further yield to the Senator from Washington?

Mr. HARRISON. I do.

Mr. DILL. The impression the Senator gave a moment ago, when I asked him the question, was that it had been done in the short session of Congress.

Mr. VANDENBERG. That is correct.

Mr. DILL. Now, I want to get the statement of the Senator from Mississippi about the matter.

Mr. HARRISON. Let me read the dates and see.

Here is when the apportionment bills were passed:

April 14, 1792, when the membership was only 105.

January 14, 1802, two years after the census.

December 21, 1811. The total was 181 then. The census was taken in November, 1800.

March 7, 1822, two years following the census.

May 22, 1832, two years and more following the census.

June 25, 1842, two and a half years following the census.

July 30, 1852, two and a half years.

March 4, 1862.

February 2, 1872.

February 25, 1882.

February 7, 1891.

January 16, 1901.

August 8, 1911.

Those are the times of the passage of these bills.

I submit that under those circumstances the Congress was not limited as to the time when it was going to pass the bill; but here you propose to limit the consideration of Congress and give it only a short three months in which to consider the measure, notwithstanding the fact of this large increase in population—I do not know what it is, but evidently around 20,000,000—without any proposed increase in the number of Representatives, which will cause certain States to lose, which prior apportionment bills did not do. So I submit that the Congress ought at least to have two years in which to do this.

Mr. VANDENBERG. Mr. President, I do not care to repeat the argument already made. I desire, however, to reemphasize the fact that in response to the Senator from Washington [Mr. DILL] I stated the truth, and it is in no sense in contradiction to the figures and dates submitted by the Senator from Mississippi.

Four of the last five reapportionments have been passed in short sessions of Congress. The Senator from Mississippi was reading the dates upon which the action was taken in relation to the census. He had to stop, Mr. President, at August 8, 1911.

Mr. HARRISON. Mr. President, I did not stop anywhere.

Mr. VANDENBERG. The Senator had to stop with 1911.

Mr. HARRISON. I gave to the Senate full and frank information, and I stated just what the Senator has stated. It was not a question of stopping anywhere. The Senator assumes too much.

Mr. VANDENBERG. Will the Senator indicate any reapportionment that has been passed since 1911?

Mr. HARRISON. Why, of course, none has been passed since then.

Mr. VANDENBERG. Of course not. Why, then, the indication that there is any disagreement between us?

Mr. HARRISON. But the Senator's own party has been in control for eight years. Do not blame the Senator from Mississippi for that. I am willing to cooperate in the passage of an apportionment bill based upon a census that has already been taken; but here you propose to base one upon a census that is to be taken. All we are asking by this amendment is to give to the Congress a little time in which to consider the matter before turning it over to a President so that he can simply put it in effect right away.

Mr. VANDENBERG. The Senator from Mississippi is entirely too modest. He is entitled to all the credit for preventing, in the last session of Congress, any consideration by the Congress of this constitutional default. But whether that be so or not, we revert to the proposition upon which the Senate has just voted. This amendment is in practically every respect a mere repetition of the purpose which was sought to be accomplished before, namely, in effect, to postpone the next apportionment until 1934. I repeat that since the Senator did have to stop calling the roll of apportionments at 1911, he had to stop at a point which emphasizes the extent of the responsibility upon the next Congress for the default of the last nine years; and he has emphasized the fact that it would be a travesty for us now to pretend to answer the question and to postpone the answer to 1934.

Mr. HARRISON. Mr. President——

The VICE PRESIDENT. The Senator from Mississippi.

SEVERAL SENATORS. Vote!

Mr. HARRISON. We are going to vote. There will not be any unnecessary delay. You are going to get your apportionment bill, I presume. Give us a little time here.

Mr. VANDENBERG. I yield to the Senator from Mississippi.

Mr. HARRISON. The Senator has said that we have just voted on the proposition.

Mr. VANDENBERG. I yield to the Senator, inasmuch as he is not entitled to speak in his own time.

Mr. HARRISON. I will speak in my own time. The Senator can not monopolize all the time.

Mr. JOHNSON. Mr. President, I rise to a point of order. The Senator from Mississippi has already spoken once upon the amendment.

Mr. HARRISON. Yes.

Mr. JOHNSON. And I make the point that he is not entitled again to speak upon it.

Mr. HARRISON. I did not occupy my 30 minutes. The Senator may read the agreement.

The VICE PRESIDENT. Let the agreement be read.

Mr. VANDENBERG. Mr. President, regardless of the point, I have risen, not yielding the floor, in order to yield to the Senator from Mississippi.

Mr. HARRISON. I do not ask any courtesy in that respect. I know what the unanimous-consent agreement is. I have tried to live up to it. I have tried to cooperate with the two Senators in charge of the bill——

Mr. VANDENBERG. That is entirely true.

Mr. HARRISON. And I know the agreement says that I have a right to speak 30 minutes on every amendment; and I have not spoken 30 minutes on this amendment.

Mr. JOHNSON. Oh, no; wait a minute.

The VICE PRESIDENT. Let the unanimous-consent agreement be read.

The Chief Clerk read as follows:

Ordered, by unanimous consent, That after the hour of 3 o'clock p. m. on the calendar day of Thursday, May 23, 1929, no Senator may speak more than once or longer than 30 minutes upon the pending bill, S. 312, a bill to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress (Calendar No. 3), or any amendment proposed thereto.

Mr. HARRISON. All right; that is right.

Mr. VANDENBERG. I yield to the Senator from Mississippi.

Mr. HARRISON. Now, if the Senator will yield——

Mr. BLACK. Mr. President——

The VICE PRESIDENT. The Senator from Alabama.

Mr. VANDENBERG. I yield to the Senator from Mississippi.

Mr. BLACK. I think I have the floor.

The VICE PRESIDENT. The Senator from Michigan [Mr. VANDENBERG] really had the floor.

Mr. BLACK. Mr. President, I rise to a point of order. The Senator from Michigan has already spoken once.

Mr. VANDENBERG. I am yielding and speaking now.

The VICE PRESIDENT. One at a time.

Mr. HARRISON. Mr. President, who has the floor?

The VICE PRESIDENT. The Senator from Michigan has the floor and yields to the Senator from Mississippi.

Mr. HARRISON. Mr. President, does the Senator yield?

Mr. VANDENBERG. I yield.

Mr. HARRISON. The Senator has just made the statement that this amendment was incorporated in the other amendment, and does about what the other amendment did. I know of three Senators around me who, I think, will vote for this

amendment who did not vote for the other one because of the alien proposition incorporated in the other amendment; and I submit that there is all the difference in the world between the two amendments.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Mississippi [Mr. HARRISON].

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GILLETT (when his name was called). I repeat the announcement I made before as to my pair with the junior Senator from Arkansas [Mr. CARAWAY]. In his absence I withhold my vote. If privileged to vote, I would vote "nay."

The roll call was concluded.

Mr. METCALF. On this vote I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. In his absence I withhold my vote. If I were permitted to vote, I would vote "nay."

Mr. BINGHAM (after having voted in the negative). I have a general pair with the junior Senator from Virginia [Mr. GLASS]. In his absence, not knowing how he would vote, and being unable to obtain a transfer, I withdraw my vote.

The result was announced—yeas 28, nays 51, as follows:

YEAS—28

Barkley	Dale	Heflin	Sheppard
Black	Dill	King	Smith
Blease	Frazier	McKellar	Stephens
Bratton	George	McMaster	Swanson
Brookhart	Harris	Nye	Tydings
Broussard	Harrison	Patterson	Tyson
Connally	Hawes	Reed	Wheeler

NAYS—51

Allen	Goff	Keyes	Steiwer
Ashurst	Goldsborough	La Follette	Thomas, Idaho
Blaine	Gould	McNary	Townsend
Burton	Greene	Moses	Trammell
Capper	Hale	Norris	Vandenberg
Copeland	Hastings	Oddie	Wagner
Couzens	Hatfield	Overman	Walcott
Cutting	Hayden	Phipps	Walsh, Mass.
Deneen	Hebert	Pittman	Walsh, Mont.
Edge	Johnson	Robinson, Ind.	Warren
Fess	Jones	Schall	Waterman
Fletcher	Kean	Shortridge	Watson
Glenn	Kendrick	Simmons	

NOT VOTING—16

Bingham	Glass	Pine	Shipstead
Borah	Howell	Ransdell	Smoot
Caraway	Metcalf	Robinson, Ark.	Steck
Gillett	Norbeck	Sackett	Thomas, Okla.

So Mr. HARRISON's amendment was rejected.

Mr. DILL. Mr. President, I send an amendment to the clerk's desk.

The VICE PRESIDENT. The Senator from Washington proposes the following amendment, which will be reported.

The CHIEF CLERK. On page 5, line 13, after the word "unemployment," the Senator from Washington proposes to insert the words "to radio sets."

Mr. DILL. Mr. President, I do not desire to take time of the Senate to elaborate on this amendment other than to say that it will require only one or two questions as to whether or not there is a radio set in the home and whether it is a crystal or tube set. That is information which is highly desirable from the standpoint of the regulation of radio, the allocation of wave lengths, power, and station time. It would be such a small addition in work and expense and of such great value that I hope the amendment will be adopted.

Mr. HARRIS. Mr. President, most of the information referred to in this amendment can be gotten from the factories without expense. One of the questions to which the Senator refers as being a small matter would cost a great many thousand dollars, and the cost of taking this census will cost more than ever before. The more questions we add for the census enumerators to get answers to the greater the expense will be, and, I repeat, all this information can be furnished by the radio factories.

Mr. REED. Mr. President, a word of explanation regarding the vote on the last two amendments.

I voted for each of those amendments, not realizing that the first one of the two involved the same constitutional question regarding aliens that had been involved in the so-called Sackett amendment. Had I known that, I would have voted in the negative on the first amendment and voted in the affirmative, as I did, on the second.

I am in favor of giving the extra time for consideration by Congress of the new apportionment, and that was the question I thought was involved; but the constitutional question regarding the counting of aliens I have already discussed, and if I had known that was included I would, therefore, have voted in the negative.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the junior Senator from Washington [Mr. DILL].

Mr. COUZENS. I ask for the yeas and nays.

Mr. BINGHAM. May the amendment be stated?

The Chief Clerk again stated the amendment.

The VICE PRESIDENT. The yeas and nays have been demanded. Is the demand sufficiently seconded?

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BINGHAM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. GLASS], who is absent. Not knowing how he would vote if present and not being able to obtain a transfer, I withhold my vote.

Mr. GILLETT (when his name was called). I have a pair with the junior Senator from Arkansas [Mr. CARAWAY], and in his absence I withhold my vote.

Mr. METCALF (when his name was called). On this vote I have a pair with the senior Senator from Arkansas [Mr. ROBINSON]. In his absence, not knowing how he would vote, I withhold my vote.

The roll call having been concluded, the result was announced—yeas 65, nays 18, as follows:

YEAS—65

Ashurst	Fletcher	McNary	Smoot
Barkley	Frazier	Moses	Steiwer
Black	George	Norris	Swanson
Blaine	Glenn	Nye	Thomas, Idaho
Blease	Greene	Oddie	Townsend
Borah	Hale	Overman	Trammell
Bratton	Harrison	Patterson	Tydings
Brookhart	Hawes	Phipps	Vandenberg
Broussard	Hayden	Pittman	Wagner
Capper	Heflin	Ransdell	Walsh, Mass.
Connally	Howell	Reed	Walsh, Mont.
Copeland	Johnson	Robinson, Ind.	Warren
Couzens	Jones	Schall	Waterman
Dale	Keyes	Sheppard	Wheeler
Deneen	La Follette	Shortridge	
Dill	McKellar	Simmons	
Fess	McMaster	Smith	

NAYS—18

Allen	Goldsborough	Hebert	Tyson
Burton	Gould	Kean	Walcott
Cutting	Harris	Kendrick	Watson
Edge	Hastings	King	
Goff	Hatfield	Norbeck	

NOT VOTING—12

Bingham	Glass	Robinson, Ark.	Steck
Caraway	Metcalf	Sackett	Stephens
Gillett	Pine	Shipstead	Thomas, Okla.

So Mr. DILL's amendment was agreed to.

Mr. JONES. Mr. President, on page 12, lines 24 and 25, there is a proviso reading as follows:

Provided, however, That punch cards shall not be considered as printing within the meaning of this section.

There has been a considerable controversy between the Public Printer and the Director of the Census, but they have reached a satisfactory understanding with reference to the matter as evidenced by a letter from the Director of the Census which I have and which has been read to the Public Printer. Therefore I move to strike out that proviso.

The VICE PRESIDENT. The clerk will report the amendment proposed by the Senator from Washington.

The CHIEF CLERK. On page 12, in line 23, strike out the colon and in lines 24 and 25 strike out the words "*Provided, however,* That punch cards shall not be considered as printing within the meaning of this section."

Mr. JONES. I may say that this is entirely agreeable to the chairman of the Committee on Printing. I ask unanimous consent that the letter from the Director of the Census may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

DEPARTMENT OF COMMERCE,
BUREAU OF THE CENSUS,
Washington, May 28, 1929.

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In compliance with your request, we conferred with the Public Printer yesterday. I believe the whole difficulty can be ironed out very satisfactorily if it is now definitely understood and agreed that the Public Printer will, during the census period of three years beginning July 1, 1929, and in compliance with the request of the Director of the Census, recommend to the Joint Committee on Printing that contracts be issued for the purchase of tabulating cards. The object of this is to enable the Director of the Census to determine whether or not the cards are of the proper texture to enable them to pass satisfactorily through the tabulating machinery. It is important to have this method of procedure definitely determined now.

It is apt to cause embarrassment and serious delay in the census work if there is any delay in furnishing satisfactory cards, and my whole object is to take some action that will insure against such an embarrassing situation.

Unless an agreement of this character can be entered into at this time, I feel confident that it would be advisable for the law to pass as suggested by this bureau, containing the provision: "*Provided, however,* That punch cards shall not be considered as printing within the meaning of this section."

Very truly yours,

W. M. STEUART, *Director.*

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Washington.

The amendment was agreed to.

Mr. BLACK obtained the floor.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Florida?

Mr. BLACK. I yield.

Mr. FLETCHER. I understand the Senator's amendment has to do with the printing of punch cards?

Mr. JONES. Yes.

Mr. FLETCHER. It will enable the Government Printing Office to furnish them if they can do so?

Mr. JONES. It is the understanding that the Public Printer will not try to print them at the Government Printing Office, but he will make contracts to get the cards desired by the Director of the Census. The Director of the Census will determine the character and kind of cards necessary.

Mr. MOSES. Mr. President, I ask the Senator from Alabama if he will yield to me.

Mr. BLACK. I yield to the Senator from New Hampshire.

Mr. MOSES. I want to assure the Senator from Florida that the proposal now pending is simply to carry out the purpose of a section in the legislative appropriation act passed at the close of the last Congress; in other words, to see that the printing act of 1895, with which the Senator as former chairman of the committee is thoroughly familiar, is observed with reference to the printing of the census and all other matters; that is, to see that nothing which the Joint Committee on Printing proposed to the Senate and agreed to be enacted by the Senate in the legislative appropriation act is violated by the amendment which the Senator from Washington proposes, but on the contrary the spirit of that act is to be carried out in full.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Florida?

Mr. BLACK. I yield.

Mr. FLETCHER. That is precisely what I wanted to understand. The law provides that after its passage such printing, binding, and blank-book work authorized by law as the Public Printer is not able to do at the Printing Office may be purchased elsewhere under contract made by him with the approval of the Joint Committee on Printing. That is what I wanted to have observed.

Mr. MOSES. Mr. President, if the Senator from Alabama will yield further——

Mr. BLACK. I yield.

Mr. MOSES. I can assure the Senator from Florida of the fact that after several days of negotiations that is exactly the result which has been reached.

Mr. BLACK. Mr. President, I send to the desk an amendment and ask for its consideration.

The VICE PRESIDENT. The Senator from Alabama offers an amendment, which will be stated.

The CHIEF CLERK. On page 16, lines 23 and 24, the Senator from Alabama moves to amend by striking out the words "by the method used in the last preceding apportionment" and substituting therefor the words "by the method of equal proportions."

Mr. BLACK. Mr. President, it is refreshing to see an amendment adopted to the bill as the last amendment was adopted, and I congratulate Senators from the West upon the ease with which they agree to the adoption of an amendment which is explained after it has been practically unanimously adopted.

The amendment which I have offered is one which I feel sure, if Senators will study irrespective of party regularity, will be adopted. Of course, I understand thoroughly the great importance of voting regularly; but this an amendment which goes to the real merits of the bill, and upon the determination of the amendment will be decided whether the small States of the Union shall have a fair chance with the large States.

The bill as it is written is evidently a good bill for the State of Michigan, it is evidently a good bill for the State of California, but it is manifestly an unfair and unjust bill for those States which do not have such immense populations. I make that statement not upon my own initiative nor upon facts which I have discovered myself but upon the findings of the American Academy of Political Science. I make the statement that if the bill goes through as it is written Senators who are not from the large States of the Union are doing something which the American Academy of Political Science says is unfair and unjust to their people. Of course, I understand that sometimes when the exigency demands it and the party call is loud enough the rights of the citizens of the States count for very little. But I make the repeated assertion, on the basis of the statement of the American Academy of Political Science, that the bill is written in the interest of the representation of the larger States of the Union and to militate directly against the States of moderate size or small size.

I desire to read from a statement that was made very frankly by a Congressman from the State of New York with reference to the method of major fractions. Here is his language:

The larger States gain more under major fractions than under equal proportions, and the smaller States get less.

That was not made simply upon his own knowledge, but the advisory committee to the Senate, an advisory committee appointed by the dominant party in the Union, makes the statement:

It [the method of equal proportions] is somewhat more favorable to the small States than is the method of major fractions.

Then going a little further we find this statement by an eminent mathematician of the country:

The only method which gives a fair and equitable apportionment—that is, the only method which puts every State as nearly as possible on a parity with every other State—is known as the method of equal proportions, which first became available in 1921. This method has received the unanimous indorsement of every scientific body which has examined it, including the advisory committee of the census. It does away with all complexities of "quotients" and "remainders" which led to such unseemly "scrambles for fractions" at every reapportionment in the past.

The closing paragraph of the report by the advisory committee of the Senate makes the direct statement that—

The method of equal proportions is the only fair method which has yet been proposed, taking into consideration the rights not only of the large and small States but the States of moderate size.

The pending bill proposes to enact into law the system of major fractions which can only be gained after the President has made a report according to the major-fractions system during the short session of Congress. If the committee desire to put a fair method of determination in the census they did not have to say that the President should use the method which was last used by the census. They could very easily have said that that method which is fair shall be used, and the unanimous voice of the scientists all over the United States with one exception proclaims that the method of equal proportions is best.

There are three methods which are most widely known. One is the method of minimum ranges. That method would be unfair so far as the large States are concerned. It would give an unjust representation to the small States. Then there is a method diametrically opposed, the major-fractions method. That method is unfair as against the small States and gives an unjust representation to the large States. Then there is a method which is halfway between, the method of equal proportions, which the scientists say and which the advisory committee to the census says and which the American Academy of Political Science says is the only fair and just method of determining the representation of the States. Yet we are asked to swallow this entire bill without having any amendment on it except the one which the Senator from Washington [Mr. JONES] proposes from the floor without explanation. We are asked to adopt the bill and let it become the law even though it is unfair to the moderate-sized States and the small States of the Union.

The statement has been made upon the floor that according to the estimated census there would be a difference of only one Representative. That statement is manifestly not correct unless the estimate is made in such manner as to provide that there shall be a difference of only one. As a matter of fact, the hearings before the committee show that, taking the census of 1920, there was a difference as I recall—the Senator from Michigan can correct me if I am wrong—of six Members of the House of Representatives.

Mr. VANDENBERG. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Michigan?

Mr. BLACK. I yield to the Senator.

Mr. VANDENBERG. There was a difference of three, which, of course, if you add the transfers on both sides makes six. There are only three seats involved in the transfer.

Mr. BLACK. Mr. President, let us see what Professor Huntington, who is an expert mathematician, says:

The choice of the wrong method may give incorrect representation to a large number of States. In 1920, six States would have been incorrectly represented if 435 Members had been apportioned by the method of major fractions.

That is not my statement; that is the statement of an eminent scientist connected with one of the great universities of this Nation.

Mr. VANDENBERG. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield further to the Senator from Michigan?

Mr. BLACK. Yes.

Mr. VANDENBERG. I am sure there is no intention on the part of the Senator from Alabama to misrepresent the premise. Professor Huntington, in his statement, is referring to six States that are involved, not three seats. He is referring to States which would have lost and which would have gained in each instance. I would not want the Senator to leave the impression that I had misled him in my statement. I repeat, and Professor Huntington repeats, that there were three seats involved, which, in turn, affected six States. Let us not misunderstand the premise.

Mr. BLACK. I take the position that if six States are affected wrongly it is unjust to ask the Members of this body to perpetuate that wrong. But let us go a little further:

In 1930, if the estimated populations prove to be in error by only 2 or 3 per cent—

And I think all Senators will concede that no man can estimate population exactly—

a case may arise in which 22 States would be incorrectly represented.

That is not my statement; that is the statement of one of the most eminent mathematicians in the United States—

The report of the National Academy of Sciences confirms the earlier report of the advisory committee to the Director of the Census, which concluded that "the method of equal proportions, consistent as it is with the literal meaning of the words of the Constitution, is logically superior to the method of major fractions."

I commend to those who voted on constitutional grounds against the provision to exclude aliens in the count the statement of the advisory committee to the census that if it is desired to come most nearly following the Constitution there should be adopted the system of equal proportions. It said that those who framed this bill have gotten around all that. How have they done it? Here is the excuse that is offered: They do not use the exact language, "system of major fractions," but the bill provides that the President shall use that system which was in use in the last preceding census. Of course, they had just as well said "major fractions," but the bill provides they shall use that method which was in effect in the last preceding census. That means they are attempting to perpetuate an unfair and an unjust method.

It may be true, referring to the great constitutional question involved, that an explanation may be made to the smaller Sates of the Union and to the moderate-sized States as to why there should have been engrafted on the law a system which will rob them of their representation. The Senate has just voted against excluding from the count aliens in the large States, and in that way has allowed perhaps 30 Representatives to people who can not vote. If we add to that a system which, according to Professor Huntington, will probably change the number of Representatives of 22 States, we will change the complexion of the Electoral College, and change, perhaps, the destiny of the Nation in the election of a President.

What is proposed to be done? The population is gradually, naturally, and normally drifting from the country to the city; and if we adopt the system of major fractions, we shall be accelerating that natural condition and giving to the cities an unfair and unjust advantage. I would not rob the cities of one Representative to which their population entitles them; I do not believe in the system of permitting a constituency to have representation based on an old census; I believe in a constant and regular reapportionment; but I do not believe when that apportionment is figured we, as the representatives of the people of this Nation, have the right to adopt a method which is unfair to the rural communities and will work prejudicially against them in favor of the larger States of the Union.

The statement may be made that these gentlemen do not know what they are talking about. I can not say whether they do or not; but I know that the American Academy of Political Sciences has a reasonably good reputation for justice, for impartiality, and for scientific knowledge. I know that the advisers to the Census Bureau should have been, if they were not, appointed not by reason of partisan prejudice but on account of scientific and mathematical knowledge, and I know that both of them have put into this record a direct statement that the method of major fractions is unfair and unjust. It would be just as fair to me to have offered an amendment proposing to adopt the minimum-range system because that gives an unfair and unjust representation to the smaller States; but I have offered no such amendment. I have taken the plan that is suggested by the scientists and mathematicians; I have taken the plan which was unanimously reported by the census advisory committee and I have offered it as an amendment.

Of course, Mr. President, that amendment, perhaps as others have been, will be voted down, and there will be perpetuated a system which is unholy, unrighteous, and unjust, because the committee has reported after a hearing lasting only one day. The evidence, however, before the House committee when it was taken showed overwhelmingly that the system of equal proportions was the only fair and just method.

Now listen to what Doctor Hill says. He is the census advisor, one of the men who was in charge of the taking of the census. Here are his words, taken verbatim from his language. I call upon all the Senators who desire to give a fair representation to the States to listen. Of course, it is not necessary for those to listen who have already made up their minds that they will take the bill as it is written. Here, however, is what Doctor Hill says:

If it be desired to have a method which shall be as favorable to the large States as possible, then the method of major fractions should be used.

That is not my language; that is the language of a gentleman who is one of those at the head of the census to-day.

Now listen to his next sentence:

If it be desired to have a method to favor the small States as much as possible, then the method of minimum range should be used.

That is not my language; that is the language of Doctor Hill, of the Census Bureau. Further he says:

If it be desired to adopt a method intermediate between these two, not as favorable to the large States as major fractions nor as favorable to the small States as the method of minimum range, then the right method is the method of equal proportions.

I invite Senators who desire to see that the population of America shall be fairly and justly represented to study the difference between major fractions, equal proportions, and minimum range. I know the answer will be made that Congress can change the method at the short session; but I know and you know, Mr. President, and everyone else knows that the Congress will not do so.

The Senate has just denied to the people of this country the right to have two Congresses consider the question and has written into the bill that after a period of 75 days the President shall report on the system of major fractions. It is not required that he report on the system of equal proportions and minimum range. There you have it. With the tendency growing of people moving from the country to the city, this Congress is engaged in writing a law which takes from the rural communities that representation which is justly theirs, which robs them of it and gives it to the cities which are growing by leaps and bounds as people move from the country to the city. I have no complaint about the cities having their proper representation after they have the population, but the objection I have is to giving them a representation which their population does not justify by a system which is unjust, which is unfair, and which is wrong.

I submit this proposition to the Senate. Some Senators come from States of one size and some from States of another, but there is no reason why a Senator should be unfair in his vote because he comes from a large State or because he comes from a small State. There is every reason in the world why equity and justice should prevail.

Before I sit down there is just one other thing to which I desire to call attention. It may be said that the Bureau of the Census committee has now indorsed this bill, but that same census committee is on record as being opposed to the system of major fractions. Doctor Huntington said their position at this time is plainly political, but in their very statement they refer to their old statement heretofore issued and do not depart from the principles to which they advert there as being fair and just. Therefore when they refer to the old report which they made they refer to a report which tells the States of the West and of the South, which do not happen to be so fortunate as to have millions and millions of population, that the only

method which will give them a square deal is the method of equal proportions.

I ask Senators who are anxious for reapportion, as they should be, are they willing to sacrifice the right of their States to have a fair and just chance in the representation which the Constitution says they shall have merely that they may follow the plan which has been adopted by the committee after one day's hearing? I challenge them to find any statement from mathematicians or scientific men, with the single exception of Doctor Willcox, that the method of major fractions is fair and that the method of equal proportions is unfair. They have not said it. The Bureau of the Census advisory committee, on the contrary, said, "If you want to obey the Constitution take the method of equal proportions."

I leave the question to the Senate, merely adding that if those Senators who are going to vote on the question they have any question about the statement of the scientific men, the Academy of Sciences and the advisers to the Census Bureau as to the method which is fair, I refer them to the hearings before the House committee, where they can read language which condemns the system of major fractions and approves the system of equal proportions.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. BLACK].

Mr. VANDENBERG. Mr. President, I should be quite willing to permit this amendment to proceed immediately to a vote, except that I feel, in justice to the committee report, a statement should be made regarding this controversial perplexity.

In the first place, I want to say that I think the importance of this phase of our apportionment problem is tremendously overemphasized, and always has been. I repeat that it is an incontrovertible fact that only three seats out of 435 were involved in the relative choice of methods of reapportionment in 1920. Yet the choice of methods is magnified in this debate to the pretended dignity of an all-controlling factor. I repeat that according to the estimates for 1930, and the statement of every expert who has discussed the matter, the prospect is that the choice of a method for handling remainders will affect but one seat out of 435 in 1930. To pretend otherwise is to make mountains out of mole hills.

Doctor Hill, the scientific adviser of the Census Bureau, has said that 50 per cent of the time the same result in relation to remainders will be produced by either major fractions or equal proportions. In other words, I can not consent to the vehement effort of my distinguished friend the junior Senator from Alabama [Mr. BLACK] to make it appear that this choice of a method for handling remainders goes to the propriety and the virtue of the entire legislation, because it does not. If ever the tail wagged the dog, it does so when a debate and a dispute over a choice between methods of handling remainders is permitted to overshadow the fundamental proposition that we are involved in a consideration of what shall happen to all of 435 seats in the House of Representatives instead of merely one or two or three.

Mr. GEORGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Georgia?

Mr. VANDENBERG. I yield.

Mr. GEORGE. I should like to ask the Senator a question or two for information, I will say to the Senator, because I have made no study of these particular methods of making the apportionment; but, as I understand, under the major-fractions rule there would be possibly two or three seats involved.

Mr. VANDENBERG. Under either rule, I will say to the Senator, the same number of seats would be involved, as between one system or the other. Perhaps I do not grasp the Senator's question.

Mr. GEORGE. Perhaps I have not made myself clear. Under the major-fractions rule, would the preference be given to the larger States?

Mr. VANDENBERG. Will the Senator permit me to reach that in sequence? That is the ultimate crux of the argument, and I should like to reach it in due course.

Mr. GEORGE. Yes; and if so, seats in how many of the larger States?

Mr. VANDENBERG. I was trying to indicate, to begin with, that the problem of handling remainders deserves no such emphasis as it has been given. Such emphasis is a distortion of real values. This particular bill identifies no method for handling remainders whatsoever. This bill was drawn for the specific purpose of undertaking, so far as it was humanly possible, to avoid the precise controversy which my friend the Senator from Alabama precipitates upon this floor. This bill simply identifies the method for handling remainders which was used in the last preceding apportionment.

This last preceding method, the Senator is entirely correct in, saying, was the method of major fractions. In other words, the present House of Representatives sits under the method of major fractions, and has sat under the method of major fractions for nearly 20 years. If Congress fails to do its duty and make an independent apportionment, as this bill invites and permits, in the session of 1930-31, then, obviously, under the language of the bill, the method of major fractions persists. But, Mr. President, if Congress, in its wisdom at that time, does act independently and prefers the method of equal proportions, or minimum range, or any other of the methods that have been developed mathematically upon this score, it is quite free to do so; and under the language and the terms of this bill the method thus identified would, in turn, become the method identified for use under the automatic feature of the bill thereafter.

Mr. BLACK. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Alabama?

Mr. VANDENBERG. I yield to my friend.

Mr. BLACK. The Senator has said that Congress would be free to do so. Congress would be free to do so in a short session if it could get out a bill. That is correct; is it not?

Mr. VANDENBERG. The Senator is quite correct, and it has succeeded in passing such a bill in short sessions in four out of the last five decenniums prior to the ugly 1920 lapse.

Mr. KING. Mr. President, will the Senator yield for a question for information?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Utah?

Mr. VANDENBERG. I yield to the Senator.

Mr. KING. I deduce from the observations of the Senator, coupled with the statements made by the Senator from Alabama, that there is some difference in the results; that is to say——

Mr. VANDENBERG. I am coming to that, if the Senator will permit me.

Mr. KING. I was going to ask if there is any difference in the results, and if any advantage is derived by the larger States, why should we not write a provision into this bill upon the assumption that Congress may enact a provision that would do justice rather than injustice?

Mr. VANDENBERG. If the Senator will permit me to proceed in my own time, I will try to answer his question. I should like to say to all of the Senators that this problem is as perplexing and complex in its scientific aspects as any problem possibly could be, and it has been the subject of debate and argument for over a decade; so that it is utterly impossible to compress the entire explanation into one or two sentences for the illumination of the Senate.

Mr. BLACK. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Alabama?

Mr. VANDENBERG. I will yield once more, and then I should like to be permitted to proceed.

Mr. BLACK. The Senator has said that this is a very perplexing question. I should like to ask the Senator if it is not true that all the members of the Academy of Policital Science agreed that the method of equal proportions was fair, and the other method was not fair?

Mr. VANDENBERG. No; it is not true.

Mr. BLACK. Did they not so state in their report, which can be found on page 2021 of the CONGRESSIONAL RECORD?

Mr. VANDENBERG. Will the Senator permit me to answer his question? The report is a report of four members of the academy, issued in the name of the academy.

Mr. BLACK. Did any of them dissent?

Mr. VANDENBERG. None of the four dissented.

Mr. BLACK. Have any of them dissented?

Mr. VANDENBERG. I know nothing beyond the statement of fact which I am making.

Now, Mr. President, if I may again be permitted to proceed——

The PRESIDING OFFICER (Mr. HOWELL in the chair). The Senator from Michigan has the floor.

Mr. VANDENBERG. A great deal has been said about the attitude of these experts. Upon the mathematical problem involved the Senator from Alabama is entirely correct in the quotation of the authorities which he has submitted, with one exception; but that is not his fault. The one exception is Prof. C. W. Doten, of the Massachusetts Institute of Technology, who was a member of the advisory committee of 1921, and which did report in favor of the method of equal proportions, but who writes to me voluntarily, under date of April 5, 1929, as follows:

I have always regretted having signed the report of the committee approving the Huntington method. At the time it came before our com-

mittee I was overpersuaded, I suppose, by mathematicians and desirous of avoiding unnecessary disharmony in the committee. I felt, and I feel now, that his plan—

That is, the plan of equal proportions—

would never commend itself to the plain people of the country. A great majority of the voters are not mathematicians and they can not understand the scientific basis upon which his scheme rests. They can understand the simpler process of determining this matter in accordance with Professor Willcox's plan, which is the system of major fractions. I think the idea of major fractions is so simple and so generally recognized that it is the best plan under the circumstances that can be adopted.

Mr. President, that bears upon the mathematical dispute in passing. It is the voice of an expert. But this bill undertakes to rise above the mathematical dispute. It undertakes to leave this controversial issue to the serial decisions of Congress if it wants to make these decisions. It undertakes to say that the automatic machinery of the bill shall accommodate itself to the serial decisions of Congress as those decisions are made; and it anticipates, therefore, that the solution, the choice of methods, will rest primarily in those actual apportionments which are made under the independent chapters of the bill in each decennium.

Mr. COUZENS. Mr. President, will my colleague yield?

The PRESIDING OFFICER. Does the Senator from Michigan yield to his colleague?

Mr. VANDENBERG. I do.

Mr. COUZENS. Does not the matter boil itself down to this: If the Congress exercises its rights under the bill in the short session of 1930–31, it then can adopt the equal-proportions method if it desires?

Mr. VANDENBERG. That is entirely correct.

Mr. COUZENS. So that it is not an important issue at this time, because the Congress in the short session of 1930–31 can determine either method it desires?

Mr. VANDENBERG. That is correct.

Mr. BLACK and Mr. GEORGE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Michigan yield; and if so, to whom?

Mr. VANDENBERG. Mr. President, how much time have I left?

The PRESIDING OFFICER. Twenty minutes.

Mr. GEORGE. Mr. President, we are writing a permanent apportionment bill on the theory that a minority of the Congress could prevent action through all future time. Therefore, what we put in this bill is going to remain.

Mr. COUZENS. It does not necessarily have to remain.

Mr. GEORGE. Oh, but that is the theory on which we are writing this bill.

Mr. BLACK. Why not be fair and put in equal proportions?

Mr. VANDENBERG. Mr. President, I should like to proceed.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. VANDENBERG. I want now, just as briefly as I can, to indicate what I believe to be a correct statement of the difference between the system of major fractions and the system of equal proportions.

Both of these terms describe a mathematical method for arriving at a given net result. Each is a fixed and certain formula. They differ in the component objectives which they address and embrace.

Major fractions is a formula under which every remainder over a moiety gets a Representative. It is a formula under which deviations from an exact apportionment are made as small as possible when measured by the absolute or subtraction difference in the ratio of Representatives to population.

That is the technical definition.

A technical definition of equal proportions is as follows:

It is a formula under which the deviations are made as small as possible when measured by the relative or percentage difference.

The authority for these statements is Doctor Hill, at page 73 of the House hearings of the Sixty-ninth Congress. This comes down to the proposition, as a matter of mathematics, that the difference between the two systems is the difference of measuring relatively or absolutely. That is a statement of technical fact. I leave that and proceed to the effort to translate it into terms within the grasp of the lay mind, conceding that I have not done so up to date. These formulæ are like the terms of a chemical analysis. However baffling they may be to the layman—among whom I freely confess that I am numbered—they are distinct and specific and indubitable to the scientist and the expert. I would not presume to discuss them but for the fact that my sponsorship of reapportionment has forced me to an attempted close study of the intricacies of the problem for the better part of the past year.

I submitted the following statement to Doctor Steuart, the Director of the Census, to see if he would agree that it is a fair statement of the difference between the two methods. I ask the attention of Senators to this statement:

Major fractions apportions remainders absolutely on the straight basis of population, without preference for any State on account of its size.

Equal proportions apportions remainders on the basis of a ratio between the given remainder in any State and the total population in that State.

Doctor Steuart replied—and you will find his letter at page 2434 of the CONGRESSIONAL RECORD for the last session—that while this statement lacks detail to make it scientifically complete, it does illuminate the basic difference between major fractions and equal proportions. In other words, the fundamental difference is that equal proportions takes cognizance as one of its factors the size of the State in which a given remainder arises, whereas the system of major fractions does not.

Mr. President, all scientists agree, I believe, upon this definition, namely, that major fractions is the answer to the following question:

What method of apportionment most nearly makes the absolute differences as small as possible between the interests or shares in their Representatives held by residents of the several States, and most nearly puts the residents of all the States, in this sense, upon a basis of equal representation, regardless of the population of the States in which they reside?

Mr. President, I think, speaking generally, that identifies the major difference between these two systems. One system undertakes, without reference to the size of the State in which a citizen lives, to give him, as nearly as possible, an absolute equality of representation with the citizens in every other State; and that is the system of major fractions. The system of equal proportions undertakes to relate the status of a citizen to the size of the State in which he lives before it rates the standing of the remainder involved in that State.

The only possible or apparent dissent is such as is expressed by the report of the National Academy of Sciences at pages 4966 and 4967 in the CONGRESSIONAL RECORD of the last session. This report says that equal proportions is the method which "occupies mathematically a neutral position with respect to emphasis on larger or smaller States."

But do not overlook this significant fact. The academy also says that it establishes this "neutrality" by consulting, among other things, the "sizes of congressional districts." This means an immediate and inevitable prejudice to large populations and thus actually sustains these prior definitions.

I dare say it is unnecessary to pursue the effort to define the systems beyond this point, although I have a vast file of testimony here bearing upon the subject.

I submit, speaking broadly now, and in general terms, that the language of the bill is absolutely justified and should, without question, be the decision of the Senate in relation to this problem for the following controlling reasons:

First, because every official expert and scientist related to the Federal Government to-day in connection with the census, in writing, recommends the language contained in this bill for this particular ministerial reapportionment purpose. That can not be gainsaid. I have the letters before me. Every member of the advisory committee of the census; three of the surviving members of the official advisory committee of the census of 1921; Doctor Steuart, Director of the Census; Dictor Hill, the scientific assistant, who supports the Director of the Census and sustains him in his academic work; all of them unite to recommend this particular language as it stands in this particular bill for this particular purpose. That is Exhibit A.

Exhibit B. Major fractions is the system under which the House of Representatives was organized in 1910, has been elected in every Congress ever since, and sits to-day. In other words, we maintain the status quo, and that is all, in relation to major fractions, when we proceed to identify the system that was used in the last preceding apportionment. We maintain the status quo until Congress specifically orders otherwise in a specific, subsequent reapportionment. We accept the method in vogue until Congress changes the method. I submit that such a process is sustained by every rule of reason.

Mr. JONES. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. JONES. The Senator said 1910. Does he mean 1810?

Mr. VANDENBERG. I mean 1910, the last actual apportionment which passed both Houses of Congress.

Mr. JONES. Oh, I see.

Mr. VANDENBERG. Thirdly, and surely this is a persuasive argument, the House of Representatives itself has passed upon this question within the last few months. Reapportionment is a problem peculiarly belonging to the House and it has decided for itself that it wants itself apportioned by the method of major fractions. This is no novel dispute that has been precipitated upon the floor of the Senate. It is a dispute which the House has canvassed in long hearings, which it has passed upon after long debate, and which it settled last January, so far as the latest decision is concerned, by writing the method of major fractions into the last reapportionment measure which it sent to us, and which, as usual, we chloroformed amid a quorum of nothing but words.

So we have the experts testifying, we have the present House of Representatives sitting under this system, we have the House of Representatives recommending this system as its best judgment in relation to this problem, which is peculiarly and particularly its own, and we have the added contemplation that, when all is said and done, we are discussing an utterly minor thing in relation to reapportionment, inasmuch as only 3 out of 435 seats were involved in this argument in 1920, and only 1 out of 435, according to the estimates for 1930, with which we have been dealing.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. BLACK. I have before me the results in the 1910 census. I find that Mississippi lost one Representative under the equal proportions method, Oklahoma lost one, North Carolina lost one, Indiana lost one, and New York gained one.

Mr. VANDENBERG. What does that bear on?

Mr. BLACK. That just bears out that there were five instead of three.

Mr. VANDENBERG. I am discussing the enumeration of 1920. I discuss 1920 when I refer to the small range in remainders. I also discuss 1930 prospectively.

Mr. BLACK. I beg the Senator's pardon.

Mr. VANDENBERG. So, Mr. President, we have this situation, speaking finally, we have in this bill the latitude which permits Congress to decide for itself, if it wishes so to decide in the future, what method for handling remainders it shall embrace. We have a bill which accommodates itself to those serial decisions of Congress when, if, and as made.

If, perchance, Congress continues to refuse to pass independent apportionment in 1930–31 and the method heretofore obtaining shall be perpetuated, namely, the method of major fractions, we will have perpetuated the method under which the present Congress sits, we will have perpetuated the method which the last House of Representatives voted was its own answer to its own problem, and we will have identified the method which undertakes to place every citizen upon a plane of absolute equality, so far as his representative content is concerned, regardless of the size of the State in which he lives. I submit that the amendment should be defeated.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

Mr. VANDENBERG. Certainly.

Mr. HARRISON. Congress passed an apportionment bill in 1921, I think, but it did not become a law. I think it was in 1921. Is that right?

Mr. VANDENBERG. I think so; yes.

Mr. HARRISON. What method did that bill provide for?

Mr. VANDENBERG. I am unable to answer the Senator's question.

Mr. HARRISON. The Senator does not know that it did not include the major-fractions method?

Mr. VANDENBERG. The Senator does not know it.

Mr. HARRISON. Well, it did not.

Mr. KING. Mr. President, some of the arguments made by the Senators from Alabama [Mr. BLACK] and Michigan [Mr. VANDENBERG] remind me of the definition of an expert. An expert is one who knows more and more about less and less.

I know less and less about major fractions and equal proportions after listening to these able Senators than I did before. Of course, the fault is with myself. It could not possibly be with the learned expositions of these Senators.

Mr. McKELLAR. Mr. President, will not the Senator tell us in plain English what major fractions and equal proportions are?

Mr. KING. No; I shall not essay to enter the field of expert testimony, Mr. President.

I rose merely to express my regret that I am not able, from the arguments which have been made, to determine which is the proper method to adopt. I am not satisfied with the argument of my friend from Michigan, that because, by our grace, future Congresses will be permitted to determine for themselves whether they shall adopt one method or the other, we should therefore decline to incorporate in this bill a provision fixing this question upon just and rational grounds.

We can not justify this proposed legislation except we postulate the view that this bill is to continue on the statute books for an indefinite period. Indeed, it rests upon the assumption that future Congresses will, to use the language of the Senator, commit a trespass against the Constitution of the United States and be guilty of a grievous default.

I have been desirous of having a reapportionment bill enacted. I followed in the last session of Congress the leadership of the Senator from Michigan and his associates in urging the passage of a measure providing for apportionment; and I have joined with them this session in demanding that a suitable and just bill be passed.

I am not satisfied, however, with this bill. I am not satisfied with the provisions which commit so much power to the President of the United States. I am not satisfied with the contention that we must insert in this bill a provision that the method of major fractions shall be the basis of apportionment. It may be the best method. That view, however, is challenged by the Senator from Alabama, and he invites our attention to what he denominates the unanimity of opinion of the experts, Mr. Hill and others, who claim that the major-fractions plan is unfair to the smaller States. The Senator from Michigan contends that one of the experts who signed the report has receded from his former position, and regrets that he signed the report.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. BLACK. That is one out of the total advisory committee, and he does not deny that the American Academy of Political Science, to which this matter was referred, has unanimously reported against major fractions, and for equal proportions.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. VANDENBERG. And equally unanimously reported in favor of the language that is in this bill.

Mr. BLACK. The American Academy of Political Science?

Mr. VANDENBERG. All the official experts related to the Government in connection with the Census Bureau.

Mr. KING. Mr. President, I am interested only in one thing, and that is to do what is right and to secure an apportionment bill that will be just. I would not vote for any measure that would deprive the State of Michigan of a single Representative to which it was justly entitled, if I knew that would be the result, though it might augment representation of some State in which I was interested, my own State, for instance, or some State in which my party was dominant.

The question is, What is right? We should leave to the coming Congresses the determination of this question, which is now before us. If this legislation were to be confined merely to one apportionment, there would be less objection urged to this course; but, as stated, this bill contemplates that it is to remain upon the statute books for an indefinite period. Of course, it assumes that Congress will have the power to legislate, but it also assumes that Congress will not legislate, and the justification for putting into the bill provisions to project themselves into the future rests upon the assumption that there will be a default upon the part of Congress to discharge its duty.

So the question comes down to this, What is right? Is the method of major fractions just, or is the method of equal proportions the just and right system? That is what I want to know, and I can then determine very readily how to vote upon this amendment. Neither of these Senators, with all their eloquence and their appeal to expert testimony, has told us just how it would result and what the difference is, stripped of the terminology which has been employed. I would like to know, by some concrete example, just how the equal proportions system would work, and just how the other system would work, what the results would be.

Mr. BLACK. Mr. President——

Mr. KING. Let me conclude the thought. I would like to know how if either system would augment the number unjustly of the larger States and reduce the number in the smaller States.

Mr. BLACK. Mr. President, if the Senator will yield, I can show no better than by reading a statement of Doctor Hill.

Mr. KING. I yield for that purpose.

Mr. BLACK. He testified before the House committee, and this is what he said:

> The method of equal proportions is more favorable to the large States than the method of minimum range and less favorable than the method of major fractions.

Mr. KING. I know that is stated, and the Senator read it; but it does not reveal how that is accomplished, and the statement made by the Senator from Michigan is equally unsatisfactory.

Mr. HARRISON. Mr. President, will the Senator yield? I will cite him to an illustration.

Mr. KING. I first yield to the Senator from Alabama. As soon as he shall have concluded I will be glad to yield to the Senator from Mississippi.

Mr. BLACK. If the Senator would like to have me do so, I can read to him the two methods of determination, by major fractions and equal proportions.

Mr. KING. If what the Senator is about to read is as involved as the two definitions suggested by the Senator from Michigan, I am afraid he will not illuminate my mind.

Mr. BLACK. I will state to the Senator that that is the reason why I gave only the mathematical results, because the average layman who is not familiar with higher mathematics can not understand either method, and therefore the thing we are interested in is this, What effect does it have on the question of the representation?

Mr. KING. Some of us have studied a little algebra and geometry, and higher mathematics, and yet, with the limited information which some of us possess, the definitions thus far given fail to throw any light upon the question before us.

Mr. BLACK. I admit that, and I challenged the Senator the other day to give a definition which you could understand.

Mr. KING. I am in a receptive attitude, but I want light.

Mr. HARRISON. Mr. President, will the Senator yield while I give him the information he desires?

Mr. KING. I yield to the Senator from Mississippi.

Mr. HARRISON. This illustration was put in the hearing by Doctor Willcox, one of the great authorities on this subject:

> In all apportionments heretofore the claim of a State to representation has been arrived at by dividing the total of its population by an assumed or computed ratio of population per Representative. Let us suppose that a Representative is to be assigned to each 250,000 population and that one State with a population of 370,000 would have one Representative and a remainder of 120,000—a little less than half of 250,000—and another State has a population of 4,122,000, giving it 16 Representatives and a remainder of 122,000.

The Senator will understand that in one State that has one Representative there were 120,000 people left over in that State of 370,000 population. In the other State of 4,122,000, which would give that State 16 Representatives, there were 122,000 people left over.

Mr. KING. Neither one of them having one-half of the total number allocated for a Representative?

Mr. HARRISON. Yes. If one and only one of those States is to receive another Representative, should it be the smaller State with a remainder of 120,000 or the larger State with a remainder of 122,000? That is the question.

> The method of equal proportions rests on the assumption that the important thing about any remainder is not its amount but its ratio to the population of the State in which it occurs. And as in this case the fraction $^{120}/_{370}$ is larger than the fraction $^{122}/_{4,122}$, therefore the small State is entitled to the additional Representative. The method of major fractions, on the contrary, would claim that a remainder of 122,000 in a larger State carries more weight than a remainder of 120,000 in a smaller State.

That is an illustration offered by Doctor Willcox in the hearings before the House committee.

Mr. KING. That makes it a little clearer, but I am not yet satisfied.

Mr. SWANSON. Mr. President, will the Senator let me try my hand at clearing it up for him?

Mr. KING. I am not sure that the conclusion is justified that the larger States might have 122,000 majority after the proper distribution and division and that there will be greater reason to believe that it would have the larger proportion rather than the smaller States. I can see that the smaller State with a population of 500,000 or 700,000 or 1,000,000 might have the 122,000 majority rather than the 120,000 and that the larger State might have the 120,000 rather than the 122,000, and therefore in that instance the smaller State would get the advantage rather than the larger State.

Mr. SWANSON. Mr. President, I will try my hand if the Senator will permit me.

The PRESIDING OFFICER (Mr. HOWELL in the chair). Does the Senator from Utah yield to the Senator from Virginia?

Mr. KING. I will yield to the Senator if he wants to ask a question.

Mr. SWANSON. No; I want to illuminate the situation. I will wait until the Senator has concluded.

Mr. KING. I have said all I care to say on the matter. With my present views I shall vote for the amendment, not because I am entirely satisfied with it but because the majority of the expert opinion thus far offered seems to indicate that the advantage lies, if we adopt major fractions, with the large States rather than the small States. I prefer to vote for a measure where there will be no advantage given either to the large or the small States.

Mr. SWANSON. Mr. President, it seems to me if we will eliminate all the difficult mathematical niceties that are involved in this question we can state the doctrine of equal proportions in a way that the Senate ought to understand. I hope I can do so.

The Constitution provides that representation shall be divided among the States according to population. Those who favor equal proportions insist that as the Constitution divides representation among the States in proportion to population the division made under equal proportions will be made in a way that will have the proportion assigned to each Representative in each State nearer in proportion than under any other method.

For instance, if Vermont is given 1 Representative and New York 42, the State will be given the extra Representative which will have when given the extra one the nearest proportion of representation per Member that has been fixed as the divisor.

If we divide the population of 120,000,000 by 435, the proposed membership of the House, we obtain the divisor for each Representative. This will leave fractions over in each State and we will not have the full membership of 435 as provided in the bill. Heretofore the plan has usually been used that provides that any State that had any number left over in excess of the moiety thus fixed would have an additional Representative. That would mean more than 435 Representatives, but we fixed 435 in this bill as the maximum number. Dividing the total population by 435 might give 430 or 425 full Representatives and there would be 2 or 3 or 8 or 10 Representatives to be decided by fractions. The question arises, what State shall get the Representatives thus fixed by the fractions.

I will give now an illustration of what equal proportions does. Vermont is given 1 Representative and New York is given 42. There is an extra Representative, say, to be assigned to one or the other of these States. The fraction of Vermont unrepresented is less than the fraction of New York. New York has a major fraction. Equal proportions comes in and says that the Constitution provides that we shall divide the Representatives among the States according to population; which means what? If we take one Representative from Vermont and then divide its population by one, it might give more than 300,000 population to one Representative. That is excessive. If we give the extra one to New York and divide by 43, New York might then have one Representative, say, to each 245,000 of population. The idea is to give the nearest to 250,000, which is the divisor fixed.

As Vermont, with 1 Representative, would have more than 300,000 people for 1 Representative, and New York would have, say, 245,000 for 1 Representative, with 42, Vermont would get the extra Representative, as it produces between the two States a less disparity than to give Vermont 1 and New York 43.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. SWANSON. I yield.

Mr. WALSH of Montana. I would like to see if I understand quite clearly about the cases to which the Senator has referred. Dividing the total population of the State of New York by the figure representing the basis assumed to be 250,000 it gives, we will say, New York 42 Representatives, leaving 249,000 population over. Dividing the total population of Vermont by 250,000 gives Vermont 1 Representative and 100,000 over. But the 249,000 being the numerator of the fraction and the total population of New York being the denominator of the fraction, we have a most insignificant fraction. Taking the 100,000 as the numerator of the fraction and the population of Vermont as the denominator of the fraction, we have a higher fraction for Vermont than we have for New York; consequently, Vermont gets an extra Representative.

Mr. SWANSON. To this extent: If we decide that Vermont shall have 1 or 2 and New York 42 or 43, then those who advocate equal proportions say the Constitution provides that Representatives shall be divided among the States according to population. We try to get the number of Representatives assigned that State nearest to the proportion of the divisor that we fix. Say that Vermont has 440,000 people and has two Representatives. That would be 220,000 people for each Representative in Vermont. If New York were to get 43 Representatives, that might bring out the result that she would have 245,000 people for each Representative. But if we take one Representative from Vermont and give it to New York, the Representative in Ver-

mont would represent 450,000 people, which it is claimed is contrary to the Constitution. A State that gets it by the population of the State divided by the delegates assigned is nearer to the proportion fixed.

As I understand equal proportions, it is the method that gives the extra Representative on account of the fraction to the State that will when thus given it nearest approach the proportion fixed as the basis of representation, whether it is 250,000 or 260,000 or 280,000. This method works out to the best justice of the large States and the small States alike.

Mr. WALSH of Montana. Mr. President, I wish to inquire of the Senator in charge of the bill, or the Senator from Michigan, who has apparently given considerable thought to this subject, whether the expression "major fractions" found in this bill is so well defined, so thoroughly understood, that it does not become necessary to have any further provision in the bill?

Mr. VANDENBERG. Mr. President, the Senator will find that precise question addressed to Doctor Hill, of the Census Bureau, in the hearings, and he will find that Doctor Hill's answer is that both equal proportions and major fractions are to-day such standardized, fixed, accepted, understood, and identified formulæ and methods that no other description is necessary.

Mr. WALSH of Montana. But understood how? I dare say there is not a Member of this body, certainly not more than half a dozen, who before this matter was discussed here, and even after all that has been said about it, understands exactly what the process is. I believe I know what the process of major fractions is, but I am not altogether certain about it. My understanding is that in the allotment of the additional representation depending upon fractions the State which has the largest fractional remainder is first allotted a Representative; the State which has the next highest fraction is next allotted a Representative, and so on. That is my idea about it; but I am not sure.

Mr. VANDENBERG. Provided, if the Senator will permit me, that such a divisor it produced through the method that every major fraction gets a Representative.

Mr. WALSH of Montana. I do not understand that at all.

Mr. VANDENBERG. That is correct. Every major fraction gets a Representative under the system of major fractions, and the formula consists in finding a divisor which will produce that precise result.

Mr. WALSH of Montana. Then I am all at sea about it; I do not understand it at all——

Mr. VANDENBERG. There is no argument about that, if the Senator will permit me.

Mr. WALSH of Montana. Because up to the present time I have always thought that the divisor is obtained by dividing the entire population of the country by 435; that the resulting figure becomes the divisor, which is divided into the population of each State, producing a quotient, a complete number, with a fraction left over; and that State which has the highest remainder of 250,000, if that is the divisor, gets the first choice of a Representative. It is accorded a Representative, and the State which has the next highest gets the next Representative. If that is not the major-fractions operation, I do not understand it at all.

Mr. VANDENBERG. That is correct, except that under that method the Senator will realize that a definite-sized House can not be determined in advance——

Mr. WALSH of Montana. Certainly, it could.

Mr. VANDENBERG. Wait a moment—can not be determined in advance with assurance that every major fraction shall be represented.

Mr. WALSH of Montana. I do not understand what the Senator means when he says "every major fraction shall be represented." The presumption is that there will be a fraction in the case of every State.

Mr. VANDENBERG. That is correct.

Mr. WALSH of Montana. And there will be all grades of fractions.

Mr. VANDENBERG. That is correct.

Mr. WALSH of Montana. My understanding is that the major fraction is the highest fraction, and the highest fraction gets one Representative, and if there are 9 over, we will say, or 8 or 10, as the case may be, of the 10 highest standing on the list each gets a Representative, and the other 38 having fractions do not. If that is not the major-fraction system, I do not know what the major-fraction system is; and that is why I addressed the question to the Senator. When the President of the United States comes to make the allotment, just exactly what system is he going to adopt?

Mr. VANDENBERG. I will say to the Senator—and I think the Senator from Alabama [Mr. BLACK] will quite agree with me in it—that if he were to ask the Director of the Census or his assistant or any member of the advisory committee on the census to apply the system either of major fractions or equal proportions to the 1930 census all of them would get precisely the same result.

Mr. WALSH of Montana. That may be, but unfortunately we can not expect and we can not repose power in a man to apply the system that he thinks is the major-fraction system.

Mr. VANDENBERG. The Senator will find the system particularly described, if that is what he refers to, in——

Mr. WALSH of Montana. That is what I am inquiring about——

Mr. VANDENBERG. In Senate document, Calendar No. 1474 of the last session. He will find it there in black and white.

Mr. WALSH of Montana. Is the system of major fractions so thoroughly established in the opinion of experts and scientists who have given thought to the subject and who have written about it that they can really say that this is the way the result is to be arrived at?

Mr. VANDENBERG. I think there is no doubt whatever but that the answer to that question is "yes."

Mr. WALSH of Montana. Who was it who undertook to establish that term as signifying something or anything?

Mr. VANDENBERG. It was established by the action of Congress in accepting the mathematics developed through a Census Committee of the House in 1910 under the advice of the Census Bureau and the advisory census committee.

Mr. WALSH of Montana. I am merely endeavoring to satisfy myself as to whether this is what might be called a technical term. If it were a line of business or of industry of any kind, we would go to that business or that industry to find out what that particular expression means in the particular line of business, but I do not know to what line of business I should go to find out what is meant by this particular term.

Mr. VANDENBERG. If the Senator should go to the advisory committee on census or to the National Academy of Sciences or to the scientific assistant to the Director of the Census and ask him to apply major fractions or equal proportions to a given problem, each one would know precisely what he was talking about and would get precisely the same answer.

Mr. BLACK. Mr. President, before the Senator from Montana sits down, will he yield to me?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Alabama?

Mr. WALSH of Montana. Yes.

Mr. BLACK. The Senator from Montana asked me a few days ago about the question. I read to him then something in explanation, but the statement of the Senator now shows that I did not make myself absolutely clear. I desire to read again to the Senator this statement:

> Major-fractions method is supposed to apply the principle of counting the remainder when it is more than one-half of the unit or basis of representation, but in its practical application it is not necessarily done, and, for illustration, in apportioning representation in the 1910 census, major fractions were disregarded in apportioning Representatives to Mississippi, New Mexico, Ohio, and Texas, the exact quotas of these four States being "scaled down" by mathematical processes and States with smaller major fractions given extra representation.

Mr. WALSH of Montana. That simply means that the House, in making the apportionment, did not follow scrupulously the major-fractions rule. That would rather indicate, it seems to me, that the House at that time understood perfectly well——

Mr. BLACK. It does not mean that at all. The Senator from Michigan attempted to explain to the Senator from Montana that the major-fractions method does not necessarily result in allotting a Representative. There is no doubt, not even a shadow of a doubt, about that proposition. The mere fact that one State has a larger fraction than another under this system does not mean that that State will be given an additional Representative.

Mr. WALSH of Montana. Let me inquire of the Senator why will not the State which has a major fraction—that is to say, the larger major fraction—get a Representative rather than the State that has the smaller fraction?

Mr. BLACK. Because that is not the system of major fractions as it works out.

Mr. WALSH of Montana. That is what I want to know. Then what is the system, as the Senator understands it?

Mr. BLACK. I understand it to be such that manipulation can occur and that it is not exact.

Mr. WALSH of Montana. Manipulation can occur; but how can manipulation occur?

Mr. BLACK. It can occur exactly as it occurred when Representatives were taken away from four States.

Mr. WALSH of Montana. But then, obviously, according to the statement of the Senator, the House disregarded the rule of major fractions and with respect to certain States did not give them the representation to which they were entitled by the application of the principle of major fractions.

Mr. BLACK. That is the Senator's interpretation, but the Senator does not understand major fractions, because the Senator has the idea that the constituency which has the largest major fraction gets a Representative as a matter of right.

Mr. WALSH of Montana. Yes.

Mr. BLACK. But the Senator from Michigan, who says he understands it thoroughly, has just told the Senator that that is not the case.

Mr. WALSH of Montana. He has indicated that under certain circumstances that is not the case, but I have not been able to understand what those circumstances are.

Mr. BLACK. Neither do I; neither does anybody else, and that is what I am complaining about when the power is given to the President.

Mr. GEORGE. Mr. President, may I ask the Senator from Michigan a question?

Mr. VANDENBERG. I have not the floor.

Mr. GEORGE. Then I will take the floor, if I may be recognized, and will ask the Senator is not the major-fractions rule when the number of Representatives in the House has been fixed and the population has been ascertained, then it is necessary to find a divisor that will make it possible to give to all the States that have major fractions, that is, the greater part of the unit of the divisor, each a Representative in the House?

Mr. VANDENBERG. That is correct.

Mr. GEORGE. In that way it is necessary to keep searching, I should say, until a divisor is obtained which will result in bringing the total number of Representatives down to the number which has been fixed and predetermined.

Mr. VANDENBERG. The searching is done by mathematical calculation which is perfectly understood.

Mr. GEORGE. But if merely a fixed number were taken and divided into the population, there might be sufficient States with major fractions left over to give a larger number of Representatives in the House than the number fixed.

Mr. VANDENBERG. That is correct.

Mr. GEORGE. So it is necessary by a mathematical process to find a divisor that will leave exactly the proper number of major fractions.

Mr. VANDENBERG. That is correct. May I say to the Senator that under the system of major fractions as known in Daniel Webster's day there might be more major fractions than the size of the House justified. Then we reached the point where it was not satisfactory not to have a fixed objective in the size of the House; and that is the system of major fractions employed to-day.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. BLACK].

Mr. BLACK. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. METCALF (when his name was called). I have a general pair with the Senator from Arkansas [Mr. ROBINSON]. Not knowing how he would vote on this question, I withhold my vote.

The roll call was concluded.

Mr. FESS. I desire to announce that on this question the senior Senator from Massachusetts [Mr. GILLETT] is paired with the junior Senator from Arkansas [Mr. CARAWAY].

Mr. SHEPPARD. I desire to announce that the Senator from Oklahoma [Mr. THOMAS] is necessarily detained on official business.

The result was announced—yeas 36, nays 52, as follows:

YEAS—36

Barkley	Dale	Heflin	Sackett
Black	Frazier	Howell	Sheppard
Blaine	George	King	Smith
Blease	Glass	McKellar	Steck
Bratton	Greene	McMaster	Stephens
Brookhart	Harris	Norbeck	Swanson
Broussard	Harrison	Norris	Trammell
Connally	Hawes	Nye	Tyson
Cutting	Hayden	Pittman	Wheeler

NAYS—52

Allen	Capper	Edge	Goldsborough
Ashurst	Copeland	Fess	Gould
Bingham	Couzens	Fletcher	Hale
Borah	Deneen	Glenn	Hastings
Burton	Dill	Goff	Hatfield
Hebert	Moses	Schall	Vandenberg
Johnson	Oddie	Shortridge	Wagner
Jones	Overman	Simmons	Walcott
Kean	Patterson	Smoot	Walsh, Mass.
Kendrick	Phipps	Steiwer	Walsh, Mont.
Keyes	Pine	Thomas, Idaho	Warren
La Follette	Ransdell	Townsend	Waterman
McNary	Reed	Tydings	Watson

NOT VOTING—7

Caraway	Metcalf	Robinson, Ind.	Thomas, Okla.
Gillett	Robinson, Ark.	Shipstead	

So Mr. BLACK's amendment was rejected.

Mr. BLACK. Mr. President, I send to the desk an amendment which I ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 5, after the period in line 13, it is proposed to insert the following new section:

Such censuses shall also include an enumeration of aliens lawfully in the United States and of aliens unlawfully in the United States.

The VICE PRESIDENT. The question is on the amendment of the Senator from Alabama.

Mr. BLACK. I thought perhaps the committee might accept that amendment.

Mr. JOHNSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from California?

Mr. BLACK. I yield.

Mr. JOHNSON. It would be an utter impossibility to undertake that enumeration in the census, so I am advised. It would simply add to the cost, and would accomplish no purpose, so far as that is concerned, because the particular matter is under the Labor Department at the present time in regard to the aliens lawfully and unlawfully in the United States; and it is obvious that if we gave to enumerators the right to determine, as I understand the amendment—I heard it read only for the first time—whether one were here lawfully or unlawfully, we would give them a task that is impossible of performance in the very brief period that is accorded.

May I inquire of the Senator if I am accurate in saying that the amendment provides for ascertaining the aliens lawfully and those unlawfully in the country?

Mr. BLACK. That is correct.

Mr. JOHNSON. That is what the amendment provides?

Mr. BLACK. That is correct.

Mr. JOHNSON. Of course, that can not be done in an enumeration of the sort that is indicated.

Mr. BLACK. Mr. President, the Senator stated, as I understood him, that he had been informed that it was impracticable to do that. May I ask the Senator——

Mr. JOHNSON. No; that was not in relation to the particular matter of the lawfulness or the unlawfulness. It had naught to do with this amendment. At first I did not quite comprehend, having heard the amendment for the first time, what its proposal was; but a proposal to put in the hands of an enumerating officer the determination of whether an alien is here lawfully or unlawfully I leave to the Senate to decide.

Mr. BLACK. Mr. President——

SEVERAL SENATORS. Vote!

Mr. BLACK. We are not going to vote right this minute. I think probably we will not speed up any by making an effort to vote hurriedly.

The VICE PRESIDENT. The Senator from Alabama has the floor.

Mr. BLACK. Mr. President, this is an important amendment. I understand that perhaps no amendments to the bill are considered of any importance; but this is one upon which it might be wise to have a vote by the full Senate. It certainly can not be said that the United States should not know how many aliens are unlawfully in this country.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. TYDINGS. In the course of the Senator's explanation of his amendment I hope he will point out how a census would be taken of the aliens unlawfully in this country—how they could be tracked down and enumerated.

Mr. BLACK. I shall be glad to do that. One of the ways to find out whether or not a man is unlawfully in the country is to ask him when he came, how he came, and where he came from. Another way is to find out whether or not he was born in this country.

I understand, Mr. President, that the very moment any question is raised with reference to aliens there are some who take the viewpoint that it is an attempt to injure America. Why, the statement was even made on the floor of the Senate yesterday afternoon that the percentage of native-born Americans who came to the colors to defend this country during the World

War was a smaller percentage than that of the foreign born who flew to the flag.

Mr. TYDINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Maryland?

Mr. BLACK. I yield to the Senator.

Mr. TYDINGS. The Senator may have planned to have a census taken of aliens unlawfully in the United States; but it seems to me that if a census enumerator were going about, and came to a house where he met a man who was a Hungarian, say, and could not speak English, and the enumerator asked how long the man had been in the country and how he came to get into the country, all he would really have from the man would be his own statement. How could he check up whether the man was telling the truth or making a false statement? How would he ascertain that the man had come into the country unlawfully? He would have only the individual's word for it; would he not? The individual might be in Jackson, Miss., but he might have come unlawfully into the country in Michigan six months before; and how would the man's history be traced so that it would be known whether he came in lawfully or unlawfully in a case of that kind?

Mr. GEORGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. BLACK. I do.

Mr. GEORGE. May I suggest to the Senator from Alabama that the legality of entry would necessarily raise a judicial question upon which rights would, of course, depend; and it does not seem to me that the census enumerators could settle in any satisfactory way that important question.

Mr. BLACK. Mr. President, I realize that the census enumerators could not settle the question. I realize, further, that the statement made by the Senator from Maryland that the enumerator would only have the man's statement in the census report is true; but that would be more than we have to-day.

Mr. TYDINGS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Maryland?

Mr. BLACK. When I have finished replying to the Senator from Georgia.

I was led to offer this amendment by reason of the fact that a few days ago I took up with the Secretary of Labor a question as to the number of aliens in this country who had entered illegally. He stated to me that it was absolutely impossible for him even to approximate, or to hazard a guess. The statement was further made that the only thing to do would be to make an attempt, by an appropriation by Congress, to have an investigation made in order to determine that fact.

All facts can not be obtained at once, but certainly we would be further along than we are to-day if we attempted, through the census enumerators, to ascertain whether or not a man had been born in this country and how he had come into the country.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. TYDINGS. The Senator has just stated that we would have to rely upon the individual himself as to whether or not he came into the country legally or illegally. Anyone coming into the country illegally would have to lie or sneak in, and if he lied his way in, does the Senator think the answers we would get in these statistics would justify the expense and trouble that would have to be entailed to obtain the information? If a man is going to steal his way into the country, or is going to lie his way into the country, if he gets here illegally, certainly anything that comes from him should be taken with a grain of salt, and the information so obtained would be worthless. It would not be worth the effort necessary to obtain it.

Mr. BLACK. I can see no reason why there should be any great anxiety as to the whether the gentleman was going to tell the truth or tell something which was not true.

Mr. BRATTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from New Mexico?

Mr. BLACK. I will yield when I have replied to the question of the Senator from Maryland.

The Senator from Maryland takes the position that because a man might state something that was untrue, he should not be interrogated. If that is correct, the enumerators should not ask questions of any kind, because the answers might not be true.

Mr. HAWES. Mr. President, will the Senator yield?

Mr. BLACK. After I have yielded to the Senator from New Mexico. I yield now to the Senator from New Mexico.

Mr. BRATTON. I ask a question purely for information. In the absence of the adoption of the pending amendment, what is the duty of a census enumerator in ascertaining the place of birth of a given individual, and if it develops to be in a foreign country, the time of his entry into this country? Is he or not required to gather all the facts from which a judicial tribunal could determine whether such foreigner is here lawfully or otherwise?

Mr. BLACK. The Senator from Michigan could answer that perhaps better than I can. As I understand it, the pending bill does not require the enumerators to obtain information as to the place of birth or the ancestry of the individual.

Mr. VANDENBERG. I am unable to answer the question of the Senator.

Mr. JONES. Mr. President, I might suggest to the Senator that the Director of the Census has made up a schedule of questions to be asked, based largely on the questions which have been asked heretofore, and it was not deemed necessary to specify the different questions in the bill. I want to say to the Senator that the nativity of the different persons is one of the items that is brought out.

Mr. BRATTON. Mr. President, will the Senator yield to me further in order that I may seek additional information from the Senator from Washington?

Mr. BLACK. I yield.

Mr. BRATTON. If in the course of interrogation a given individual it develops that he is born in some foreign country, has it been the practice heretofore to develop the facts with reference to the time of entry into this country?

Mr. JONES. I doubt that, although I have not exact information as to that. There is a long list of questions that are to be asked by the enumerator, but just how far they go I am not prepared to say. Whether the questions cover exactly the point the Senator has mentioned I can not say, but the enumerator does inquire, of course, to determine whether a man is an alien, or whether he is a native-born citizen.

Mr. BRATTON. If the Senator from Alabama will allow me to pursue that matter a little further——

The VICE PRESIDENT. Does the Senator from Alabama yield further to the Senator from New Mexico?

Mr. BLACK. I yield.

Mr. BRATTON. The point I have in mind is whether or not, in the administration of laws under which previous censuses have been taken, the facts have been gained from which a court or other tribunal could ascertain whether a foreigner entered this country legally or otherwise.

Mr. JONES. Mr. President, I do not think the census enumerators go into that phase of the question. They could not pass on that.

Mr. BRATTON. The Senator misapprehends what I have in mind. In taking a previous census, when an individual announced that he was born in a foreign country, has the enumerator pursued the subject to the extent of ascertaining when he came into this country, and gathered such other facts from which it could determine whether the foreigner was here illegally?

Mr. JONES. I am inclined to think that they find out when he came into the country, but just how far they go in that particular I can not tell the Senator.

Mr. HEFLIN. Mr. President, why could not the census enumerator ask these men at what port of entry they came in, and then we could communicate with the port and see if their names were on the record; and if they had told a falsehood about it, and it was shown that they had been smuggled into the country, we could get them out of the United States.

Mr. BRATTON. That is the point upon which I have been trying to get information, namely, as to whether in taking any previous census those questions or similar questions have been asked the foreigner from which a department or court could arrive at a conclusion as to whether the alien was here with legal sanction, or otherwise.

Mr. HAWES. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Missouri?

Mr. BLACK. I yield.

Mr. HAWES. In all seriousness, I would like to suggest to the Senator that if an alien is here unlawfully, what we really want is not an enumerator but a policeman to arrest him.

Mr. BLACK. If we find out where he is, and whether he is unlawfully here.

Mr. HAWES. It is not the business of an enumerator to look after violators of the law. So it seems to me that that provision, if it remains in, would mean an enumeration of men who were violating the law, and that is a question for the Department of Justice and not one for the census enumerators.

Mr. BLACK. Mr. President, I desire to get through as quickly as I can. I will state first, with reference to the question now raised, that it is my desire to have the information secured, as far as it can be obtained, in order that the Depart-

ment of Justice and the policeman whom the Senator from Missouri has mentioned may later do their duty.

There is at present no method whatever provided by this great country, so far as I am aware, which affords us any information as to the number of aliens who are illegally in America. It may be that there are some who think that we should not get that information; I do not know. Personally, I take the position that when an alien is illegally here, here in violation of the plain laws of this country, we ought to utilize every power at our command, whether it be by enumerators or otherwise, to ascertain the identity of those aliens who are illegally in our midst, in order that we may sooner or later deport them back to the countries from which they came.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Montana?

Mr. BLACK. I yield.

Mr. WALSH of Montana. I am very sure that everybody would assent to the proposition that it would be exceedingly advantageous to know about how many people there are in this country who are illegally here; but how could a census of them be taken by anyone? If the department knows about people who are here illegally, of course, the department immediately causes their arrest for the purpose of deportation. The only way by which we could ascertain whether they were here legally or not would be to consult the department. It seems to me the difficulty is not alone that the enumerators can not get the information, but that it would be next to impossible for anybody to get the information. Of course, in every case where the attempt to get the information was resisted an inquiry would be necessitated.

Mr. BLACK. I take the position that if the enumerators could find 5,000 aliens illegally in our midst the money expended in getting the information and sending them from this country would be money well spent.

Mr. WALSH of Montana. I fully agree with that, but let me ask the Senator, How will the enumerators determine that question?

Mr. BLACK. I have no sort of doubt but that the information can be obtained—not a particle of doubt.

Mr. WALSH of Montana. Mr. President, will the Senator yield again?

Mr. BLACK. I yield.

Mr. WALSH of Montana. Let me ask, then, if that would not be an impeachment of the officers of the Department of Labor, whose duty it is immediately to arrest those who are here illegally and deport them?

Mr. BLACK. If the enactment of a law to find out the number of aliens who are in our midst, when we all know they are here, can be construed as an impeachment of any department, then I am ready to impeach them. The Labor Department is not finding out those who are here. If the Senator should call them up, they would not even hazard a guess as to the number of aliens who are in our country illegally. At the same time, the aliens are here illegally, taking the jobs of American citizens, getting the money that would otherwise be earned by American citizens living under American standards, and whenever an effort is made to pass legislation for the purpose of getting information on this subject, some argument is advanced about the impossibility or the unconstitutionality of any effort to protect the present American citizenship from a surplus of foreigners.

Mr. WALSH of Montana. If the Senator will pardon me further——

Mr. BLACK. I yield to the Senator.

Mr. WALSH of Montana. Let me ask the Senator this: Are we to understand that his accusation now is that the Department of Labor is not performing its duty, is neglecting to ascertain who are illegally in this country and to cause them to be deported?

Mr. BLACK. I shall be glad to answer the Senator's question, but I shall not be diverted from the issue which is before us, and which is, "Are we willing to vote for a measure which will tend to some extent to inform the country how many aliens are illegally in America?" I make no indictment of the Department of Labor.

Mr. GEORGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. BLACK. I shall yield again just for a question. I am under a 30-minute limitation.

Mr. GEORGE. I appreciate that fact. I want to say this: I think it is not exactly fair to the Department of Labor to criticize them about this matter.

Mr. BLACK. I was just about to say that.

Mr. GEORGE. Because under a proper registration of aliens, and in no other way, could we properly get the information which the Senator wishes to secure by the enumeration, because it is a judicial process, and it would be very unwise, it seems to me, to inject into the enumeration of the population machinery that ought to be kept within the other field.

Mr. WHEELER. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Montana?

Mr. BLACK. Mr. President, due to the fact that my time is about exhausted——

Mr. WHEELER. I was merely going to suggest this to the Senator, that I can not see how it is possible to get the information which he suggests in his amendment; but there is one thing that could be done without a question of doubt. Every alien who comes into the United States is supposed to come in through a port of entry. Every alien could be asked through what port of entry he came into the United States, and we could then have the Department of Labor check up all the aliens in the United States and ascertain whether or not they had given the correct information if we wanted to go to that extent.

Mr. BLACK. That is exactly correct.

Now, lest there be a misunderstanding, I have not sought to indict the Department of Labor, and I do not. I have not done it directly or indirectly, by inference, remotely, or in any other way. The Department of Labor, in my judgment, is doing its best with the funds on hand, and if I am not mistaken—and I am not sure about this—that department has sought appropriations in order that it might get this very information with reference to aliens. Why the bills making the necessary appropriations have not been enacted I do not know, but I do know that there is a decided minority sentiment in this country opposed to any measure that will curtail immigration to the slightest extent.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. BLACK. Certainly.

Mr. BRATTON. The objection has been raised against the Senator's amendment that it attempts to vest in the census enumerators the power to pass upon judicial questions. I doubt the wisdom of that, but I am in full sympathy with the proposal to gather data for proper use by the Department of Justice or otherwise in determining whether aliens are in the country legally or otherwise. I suggest to the Senator that language substantially reading as follows might be substituted which would eliminate the objection entertained by some Senators to the pending amendment. This is the language I suggest to the Senator:

> That such census shall also include an enumeration containing full information respecting all aliens in the United States, including therein the facts and circumstances under which each entered the United States.

Under that provision an enumerator could interrogate an alien and gather from him the facts which might be used by the Department of Justice or the Department of Labor or otherwise, by which a competent tribunal in exercising its jurisdiction could determine whether or not the alien is here lawfully, and if not to deport him or take proper action.

Mr. BLACK. I think the Senator's suggestion is a good one, and I would be glad to have him offer that as a substitute.

Mr. BRATTON. I shall do so.

Mr. TYDINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Maryland?

Mr. BLACK. I yield.

Mr. TYDINGS. I would like to ask the Senator from New Mexico a question. As I understand the Senator, the census will be taken of all persons, citizens and aliens, and I assume the questionnaire which is to be circulated in each case would have the effect of producing the information mentioned in the Senator's amendment and that the Department of Labor or the Department of Justice, having certain investigators or enumerators, would get the information without the amendment being incorporated in the bill at all.

The VICE PRESIDENT. Does the Senator from Alabama modify his amendment, as proposed, by the Senator from New Mexico?

Mr. BLACK. I will modify it in line with the suggestion of the Senator from New Mexico, and now I would prefer to proceed with my remarks without being called upon to answer any further questions so that I may conclude what I have to say.

I want to call attention to the fact that the Department of Labor has invited our attention to the number of immigrants who illegally entered our borders last year and they have asked for aid and assistance to prevent illegal entry in the future. The Secretary of Labor whom, instead of criticizing, I desire

to commend for his work in the position which he holds, has expressed himself all over this land as favoring methods which will permit the Nation to determine whether a man who has come to America from a foreign land has entered our country legally or illegally. There is nothing strange about the amendment and nothing revolutionary. It is merely a proposition suggesting that we utilize the machinery which is at hand to get as much information as we can to determine the facts with reference to the entrance of immigrants into the country.

Statistics show there are 14,500,000 aliens in our land to-day. Many of them can not speak the English language. They come from countries with various kinds of governments. It is my judgment, and I have offered a bill for the purpose, that if the Congress would do its duty it would absolutely prohibit the entrance of a single immigrant into this land for the next five years while we take stock of our present citizenship, with the view of educating the foreign born for their own good and for the welfare of our country.

I do not wish to be understood as criticizing the statement made by the Senator from Massachusetts [Mr. WALSH] on yesterday. I said in the beginning that I did not intend to do that. I desire, however, to quote from statistics with reference to services rendered by native-born Americans and those who were foreign born. After the statement made yesterday on this subject, I sent for the report of the provost marshal general in order that I might find for myself whether the native-born citizens of this land of ours were shown to be recreant to their duty when the call of war sounded in the land. I find these facts, which I shall now read, on page 90 of the report of the provost marshal general, made in 1919.

Mr. WALSH of Massachusetts. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. BLACK. I yield.

Mr. WALSH of Massachusetts. I understand that during my absence from the Chamber the Senator made some reference to something I said yesterday.

Mr. BLACK. That is correct.

Mr. WALSH of Massachusetts. Will the Senator kindly repeat it?

Mr. BLACK. I am just beginning now to discuss it. It would be impossible to repeat the exact language, because my statement was not written. I was commenting upon the Senator's statement with reference to native born and foreign born in the World War.

Mr. WALSH of Massachusetts. I had understood that the Senator attributed to me the use of the word "slackers" in referring to those whom the Army rolls showed to be on the deferred and exempted classes of aliens and Americans registered.

Mr. BLACK. I stated in response to a statement of the Senator from Utah [Mr. KING] that the Senator from Massachusetts quoted or stated that he was using the language of somebody else in calling them "slackers."

Mr. WALSH of Massachusetts. There was a hearing before the Immigration Committee some time ago and statistics were presented along the line that I presented and that the Senator is about to present, and in those hearings the term "slackers" was used. I used the expression yesterday with quotation marks, as I said at the time, and did not myself attribute to these classes of registrants the condition of being slackers.

Mr. BLACK. In Table 24 of the second report of the provost marshal general I find the following figures.

The VICE PRESIDENT. The Senator's time on the amendment has expired.

Mr. BLACK. I have not spoken on the bill.

The VICE PRESIDENT. The Senator is entitled to 30 minutes on the bill.

Mr. BLACK. Those who were placed in class 1 were 24.33 per cent of aliens. Those placed in the deferred classes—those who gave excuses as to why they should not serve, those whom the Senator said someone had called "slackers," though personally I would not and I do not agree with that statement—were 75.67 per cent.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. TYDINGS. Is the Senator quoting from draft statistics or from the volunteers?

Mr. BLACK. I am quoting from the table of classification of aliens and citizens compared in the draft army.

Mr. WHEELER. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Montana?

Mr. BLACK. I yield.

Mr. WHEELER. Of course, those figures would not be fair to the aliens because of the fact that a good many of them could not be taken into the Army, as I recall the law, because of the fact that they came from countries with which we were at war. That is my recollection.

Mr. BLACK. Those of native-born Americans who were placed in deferred classes were 63.33 per cent. I do not mean to infer that either the 63 per cent of native Americans or the 75 per cent of foreign born were slackers. In my judgment the fact that they were put in the deferred classes is no indication that they were slackers. Some of them may have been, but I am giving the statistics simply in order that the record may be clear as to what the provost marshal general's report showed in this controversial matter.

Mr. WALSH of Massachusetts. Of course, there was no dispute about the figures I gave yesterday. The figures I gave were correct, were they not?

Mr. BLACK. I did not have the opportunity, in the short time available to me, to get exactly what the 24 per cent meant which the Senator referred to, unless it was the 24.33 per cent of Americans placed in class 1.

Mr. WALSH of Massachusetts. The Senator will find on page 1980 of the RECORD the figures which were used in the colloquy that took place between himself and myself on yesterday. The number of aliens registered was 1,703,000; exempted as enemy aliens, 334,949; aliens exempted or received deferred classification, 580,003; per cent other than enemy aliens exempted or deferred, 33 per cent. Number of Americans registered, 8,976,808; Americans exempted or received deferred classification, 5,684,533; percentage of Americans exempted or deferred, 64 per cent. I was simply making a comparison between the percentage of Americans and the percentage of aliens who were not enemies that were placed in the exempted or deferred classes.

Mr. BLACK. The figures show that those placed in deferred classes among the aliens were 75.67 per cent, as against 63.33 per cent of native born. I have not been able to find in the report the distinction drawn by the Senator in his figures, but there can be no doubt that there were 75 per cent of the aliens who were put in deferred classes either because they belonged to enemy countries or because of requests for some other reason.

Mr. WALSH of Massachusetts. It is very easy to figure out the percentage. The enemy aliens exempted were 335,000 and other aliens 580,000, together they representing about 915,000. The total number of aliens registered was 1,703,000. The percentage of all aliens, including enemy aliens, who were placed in these classes was about 54 per cent. The total percentage of all Americans placed in deferred classes was about 64 per cent. If we deduct enemy aliens, who could not serve, the alien percentage is about 33 per cent.

Mr. BLACK. As I said, the total number of aliens placed in deferred classes was 75.67 per cent. I have the provost marshal general's report before me. There were placed in deferred classes 1,288,617 of aliens.

It will also be remembered that the percentage of married men, according to our census statistics, among native-born Americans is greater than the percentage of married men among the alien born. Of course, at that time that was properly a cause for deferred classification.

Going just a step farther and quoting from the same report, at page 462 we find that the report shows the number of desertions, by citizenship, from the American Army: Desertions of native-born Americans, 3.23 per cent; desertions of foreign-born, 10.87 per cent. That is, more than three times as many foreign born deserted from the American Army as did native-born Americans.

Going a step farther in the report of the provost marshal general, I find this statement:

> It is not too much to say that the spectacle of American boys, the finest in the community, going forth to fight for the liberty of the world, while sturdy aliens—many of them born in the very countries which have been invaded by the enemy—stay at home and make money has been the one notable cause of dissatisfaction with the scheme of military service embodied in the selective-service act.

So, Mr. President, while I admit without question there are now many good men who have come to this country from foreign lands, and there have been many immigrants in the past who have become good citizens, yet I take the position that to-day what this country needs is not more immigrants but a less concentration of the wealth which the Senator from Massachusetts [Mr. WALSH] mentioned on yesterday, and that can not be obtained unless there can be found paying employment for our citizens. With millions of our people out of work, what possible excuse can there be for failing to adopt every means at our hand to remove from our land the aliens who have unlawfully intruded themselves in our country? With cities advertising that there are inexhaustible supplies of un-

organizable Mexican labor in our country, what excuse can we offer for a failure to adopt every possible means to discover aliens illegally here, that we may later remove this unfair competition with American labor?

I acknowledge the statement of the Senator from Massachusetts that there are many aliens who have entered America who can and who have made real contributions to our citizenship, but it is my belief that what America needs to-day is not more immigrants but a fair opportunity for our present population. It needs positions for those who are now within our midst. We need to shut the door and close the gates against foreign immigration from any land until those here have absorbed our principles and become merged in the social, political, and economic life of the Nation.

There is nothing unfair about this for prospective immigrants and it is certainly just to our present citizenship. With fourteen and one-half million immigrants in our midst, why should we not spend a little money for the purpose of placing our hands on the aliens who have come here illegally? Why should we dispute as to whether the method is perfect and whether the results would be 100 per cent accurate? After all, Mr. President, the question comes down to this: Those who are in favor of restricted immigration are in favor of using all possible means to register the aliens and thereafter to deport those who are not lawfully here. Those who are opposed, and are honestly opposed, to the restriction of immigration, fight every means and every measure which has a tendency to further restrict immigration.

I submit that this amendment is fair and just to America. If Senators believe in a restriction of foreign immigration, if they believe in the principles of nationalism, which would make this a land of Americans; if they believe in keeping the country true to the old-fashioned principles and ideals of American liberty and democracy, then they do not want immigrants in this country who are here illegally. The amendment merely provides a method by which we may use the best means at our command to determine what immigrants are here legally and what immigrants are here illegally.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Alabama yield for a question?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. BLACK. I yield.

Mr. WALSH of Massachusetts. The Senator from Alabama has properly called attention to, and during this whole debate repeated comment has been made about, the large number of persons who have entered this country illegally. Personally I think the figures have been exaggerated, though I think it is deplorable that there are so many immigrants smuggled into the country. I wish to inquire what steps have been taken by anyone in this body, in the other Chamber, or by the administration to increase the number of immigration inspectors or to secure additional appropriations so as to prevent the "bootlegging" of immigrants into this country? Why are not those who are urging more and more limitations upon the immigrant doing something effective to stop smuggling and bootlegging of foreigners who seek and enter the country illegally?

Mr. BLACK. I understand that there was an increased appropriation for that purpose made at the last session of Congress but that it was not sufficient.

Mr. WALSH of Massachusetts. I think we all can agree that no person ought to be allowed to enter this country illegally. There should be no official vigilance so sweeping as that of preventing this offense against national authority by nonresidents.

Mr. BLACK. That is absolutely true. I am heartily in favor of increasing the appropriations to prevent that.

Mr. TYDINGS. Mr. President, I offer a short amendment which I propose to add to the amendment of the Senator from Alabama [Mr. BLACK] as modified. I send the amendment to the amendment to the desk and ask that it be read.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. At the proper place it is proposed to add the following:

Exclude from the count all persons who have violated the eighteenth amendment or the Volstead Act.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. COPELAND. Mr. President, I am unwilling to permit the discussion about aliens to end here. I have no disposition to continue the debate or to postpone the vote. But when I think about the thousands and tens of thousands and hundreds of thousands of persons in my home city who are of alien birth, who have distinguished themselves in every walk of life, in the professions and in trade, I can not let the moment pass without saying a word concerning them.

It is not fair—I say it in all kindness—to raise repeatedly in this body questions which bring heart burnings and unhappiness into thousands of American homes. When I think about the men and women who have come to America from foreign shores, who have succeeded here, who have contributed to everything making for the upbuilding of our country, I consider it unjust, if I may say so, to reflect upon the whole group because there happen to be those who have "bootlegged" their way into the country. In the last analysis, with the exception of the American Indian, all of us are aliens.

I went to the Russian border immediately after the World War. I visited Poland. I saw there a country which had been devastated by seven armies which crossed back and forth during the Great War, a country which had been further devastated by the war with the Russian Bolshevists. After that last war with Russia, when the Russians were finally driven out of Poland they took three and one-quarter million of the population; took away the flocks and herds and destroyed every building in eastern Poland. When under the treaty of Riga those people were permitted to came back to Poland they came to find their homes destroyed, their lands grown up with underbrush, no animals, no tools, no seed. I saw them living in covered-over portions of trenches and in the dugouts. I am not surprised if thousands of them found their way to this country of wealth and opportunity.

I have no question but there are hundreds of thousands of immigrants who are here illegally. But when we consider the conditions under which they were forced to live, and the pressure under which they lived, the destruction of their homes in the old country, I am not surprised that they came. And when I recall the aliens who, coming here years ago and acquiring wealth, have used their money for the benefit of humanity: when I think about a man like Nathan Straus, who came here an immigrant boy and has done more, in my opinion, for child life in America and the world than any other two men who ever lived; when I see a member of our own body who was born in a foreign country contributing $10,000,000 to the welfare of the children of America; when I remember that a citizen of my city, Mr. August Heckscher, another alien, has contributed $4,000,000 to the same purpose; when I think of what these and other aliens have done in contributing to the welfare of America, I am not willing, sir, to sit in my place and hear the whole group reflected upon, as apparently they will feel has been done, by many things which have been said here.

I have no desire to say more than this, except to add that there are aliens and aliens, and it is not fair thus, as I view it, to reflect upon the whole alien group because a limited number perhaps have not lived up to those standards which we believe to be right.

Mr. HEFLIN. Mr. President, nobody has intended to reflect upon the whole alien group. Of course, there are bound to be some honest aliens in the country; but no alien, no foreigner, who has been smuggled into the United States—it makes no difference how bright he is or how good he is—if he is not here properly, he has no business being here. Whenever one of them is smuggled in he has violated the immigration law, and he is not here properly and, I repeat, has no business being here. We are going to do something ultimately to solve this alien problem which the Senate refuses to solve now.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Maryland [Mr. TYDINGS] to the amendment of the Senator from Alabama [Mr. BLACK].

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question recurs on the amendment proposed by the Senator from Alabama.

Mr. BLACK. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. HEFLIN. Division, Mr. President.

Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Couzens	Greene	Keyes
Ashurst	Cutting	Hale	King
Barkley	Dale	Harris	La Follette
Bingham	Deneen	Harrison	McKellar
Black	Dill	Hastings	McMaster
Blaine	Edge	Hatfield	McNary
Blease	Fess	Hawes	Metcalf
Borah	Fletcher	Hayden	Moses
Bratton	Frazier	Hebert	Norbeck
Brookhart	George	Heflin	Norris
Broussard	Glass	Howell	Nye
Burton	Glenn	Johnson	Oddie
Capper	Goff	Jones	Overman
Connally	Goldsborough	Kean	Patterson
Copeland	Gould	Kendrick	Phipps

Pine	Shortridge	Townsend	Walsh, Mont.
Pittman	Simmons	Trammell	Warren
Ransdell	Smith	Tydings	Waterman
Reed	Steck	Tyson	Watson
Robinson, Ind.	Stelwer	Vandenberg	Wheeler
Sackett	Stephens	Wagner	
Schall	Swanson	Walcott	
Sheppard	Thomas, Idaho	Walsh, Mass.	

The VICE PRESIDENT. Eighty-nine Senators have answered to their names. A quorum is present.

Mr. WATSON. Mr. President, I should like to ask the Senator from Michigan how many more amendments are pending, and about the length of time he thinks it will take to complete the bill?

Mr. VANDENBERG. I should be unable to answer the Senator. I think there are perhaps four or five amendments pending and there ought to be no lengthy debate upon them.

Mr. WATSON. I desire to ask the two Senators, then—they are here together now—whether or not they want the bill completed to-night?

Mr. JOHNSON. I should prefer it.

Mr. WATSON. Very well.

Mr. BLEASE. Mr. President, I have three amendments. I do not think all three of them will take over half an hour.

Mr. KING. Mr. President, will the Senator yield?

The VICE PRESIDENT. The Senator from Indiana has the floor. Does the Senator yield?

Mr. WATSON. There is a vote pending, as I understand, and I shall not interfere with that.

Mr. KING. I merely wish to suggest to the Senator, if I may do so, that the so-called George amendment will be brought before the Senate, and that will lead to some debate.

The VICE PRESIDENT. The question is on the amendment of the Senator from Alabama [Mr. BLACK].

Mr. BLACK. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. METCALF (when his name was called). I have a general pair with the Senator from Arkansas [Mr. ROBINSON]. Not knowing how he would vote on this question, I withhold my vote.

Mr. WATSON (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Missouri [Mr. PATTERSON] and will vote. I vote "nay."

The roll call was concluded.

Mr. SHEPPARD. I desire to announce that the Senator from Montana [Mr. WHEELER] and the Senator from Oklahoma [Mr. THOMAS] are necessarily absent on official business.

The result was announced—yeas 24, nays 56, as follows:

YEAS—24

Barkley	Connally	Heflin	Sheppard
Black	Frazier	McKellar	Steck
Blease	George	McMaster	Stephens
Bratton	Glass	Pine	Swanson
Brookhart	Harris	Pittman	Trammell
Capper	Harrison	Robinson, Ind.	Tyson

NAYS—56

Allen	Fletcher	Kean	Shortridge
Ashurst	Glenn	Kendrick	Simmons
Bingham	Goff	Keyes	Stelwer
Blaine	Goldsborough	King	Thomas, Idaho
Borah	Gould	La Follette	Townsend
Broussard	Greene	McNary	Tydings
Burton	Hale	Moses	Vandenberg
Copeland	Hastings	Nye	Wagner
Couzens	Hatfield	Oddie	Walcott
Cutting	Hawes	Overman	Walsh, Mass.
Deneen	Hayden	Phipps	Walsh, Mont.
Dill	Hebert	Reed	Warren
Edge	Johnson	Sackett	Waterman
Fess	Jones	Schall	Watson

NOT VOTING—15

Caraway	Metcalf	Ransdell	Smoot
Dale	Norbeck	Robinson, Ark.	Thomas, Okla.
Gillett	Norris	Shipstead	Wheeler
Howell	Patterson	Smith	

So Mr. BLACK's amendment was rejected.

Mr. WATSON. Mr. President, I ask unanimous consent that after 2 o'clock to-morrow no further speeches shall be made on this bill and that all speeches on amendments shall be limited to five minutes.

The VICE PRESIDENT. Is there objection?

Mr. BLEASE. Mr. President, does the Senator mean on pending amendments?

Mr. WATSON. All pending amendments.

Mr. HARRISON. That would not preclude the Senator from South Carolina from offering his amendment.

Mr. BLEASE. I have here an amendment that I have had printed and laid on the desk. I do not think I will take over 10 minutes in discussing it. If it is on pending amendments, I will not consent to that.

Mr. HARRISON. Mr. President, may I say to the Senator from South Carolina that under my interpretation of the proposed agreement he has a right to offer his amendment at any time and have it be a pending amendment. The agreement will not preclude him from talking on the amendment.

Mr. BLEASE. But, as I understand the proposal of the Senator from Indiana, speeches on amendments from now on are to be limited to 5 minutes.

Mr. HARRISON. No; after 2 o'clock to-morrow.

Mr. WATSON. After 2 o'clock to-morrow afternoon.

Mr. BLEASE. I do not think I shall want to speak at all after that time.

The VICE PRESIDENT. Is there objection to the proposed unanimous-consent agreement?

Mr. JOHNSON. Mr. President, I want to have the proposed agreement entirely clear, so that there will be no misunderstanding or mistake. After 2 o'clock to-morrow, as I understand, no further speeches shall be made upon the bill; and the only speeches shall be upon amendments, in duration five minutes—amendments that are pending at 2 o'clock.

The VICE PRESIDENT. Is there objection to the proposed unanimous-consent agreement? The Chair hears none, and it is so ordered.

The agreement was reduced to writing, as follows:

Ordered, by unanimous consent, That after the hour of 2 o'clock p. m. on to-morrow further debate on the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress is precluded, and no Senator may speak more than once or longer than 5 minutes upon any amendment that may be pending or any amendment that may be submitted and ordered to lie on the table prior to the hour of 2 o'clock p. m.

Mr. PITTMAN. Mr. President, is there an amendment pending now?

The VICE PRESIDENT. There is no amendment pending.

Mr. PITTMAN. I desire to offer an amendment.

The VICE PRESIDENT. The Senator from Nevada offers an amendment, which will be stated.

Mr. WATSON. Mr. President, I should like to ask——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Indiana?

Mr. PITTMAN. I will yield after the amendment is stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On line 24, page 16, after the word "apportionment," it is proposed to insert "and by the method of equal proportions"; and in line 3, page 17, after the word "States," it is proposed to insert "under either method"; and in line 7, page 17, after the word "statement," it is proposed to insert "based upon the apportionment under the method used at the last preceding apportionment."

Mr. WATSON. Mr. President, will the Senator from Nevada yield for me to make a motion to go into executive session, and after that to take a recess?

Mr. PITTMAN. With the understanding, of course, that this amendment is pending.

Mr. LA FOLLETTE. Mr. President, I desire to be recognized very briefly in my own right, and I ask the Senator from Indiana to withhold his motion. I desire to discuss a matter which does not pertain to the pending bill, and it will not take me much more than a couple of minutes to explain it, and ask to have printed in the RECORD a decision of the Supreme Court of the United States.

Mr. WATSON. I yield, if I have the floor.

The VICE PRESIDENT. The Senator from Nevada has the floor. To whom does he yield?

Mr. PITTMAN. I understand that the effort at the present time is to go into executive session, looking to a recess or an adjournment——

Mr. WATSON. A recess.

Mr. PITTMAN. To which I have no objection. I understand that the Senator from Wisconsin [Mr. LA FOLLETTE] desires to make a statement on another subject. I have no objection to that. I simply give notice that to-morrow morning I shall attempt to get the floor and discuss briefly this amendment.

THOMAS W. CUNNINGHAM, RECUSANT WITNESS

Mr. LA FOLLETTE. Mr. President, on March 22, 1928, the junior Senator from Utah [Mr. KING] introduced Senate Resolution 179, which was as follows:

Whereas it appears from the report of the Special Committee Investigating Expenditures in Senatorial Primary and General Elections that a witness, Thomas W. Cunningham, twice called before the committee making inquiry as directed by the Senate under Senate Resolution 195 of the Sixty-ninth Congress, declined to answer certain question relative and pertinent to the matter then under inquiry:

Resolved, That the President of the Senate issue his warrant commanding the Sergeant at Arms or his deputy to take into custody the body of said Thomas W. Cunningham wherever found, and to bring the said Thomas W. Cunningham before the bar of the Senate, then and there or elsewhere as it may direct, to answer such questions pertinent to the matter under inquiry as the Senate, through its said committee, or the President of the Senate, may propound, and to keep the said Thomas W. Cunningham in custody to await further order of the Senate.

That resolution was adopted on March 24, 1928.

On March 26, 1928, the Sergeant at Arms reported to the Senate as follows:

Mr. President, I have to report that, acting under the authority of a warrant issued by the Senate, I took Thomas W. Cunningham into custody this morning through my deputy. He appeared before Judge Dickinson and applied for a writ of habeas corpus, which was granted, and he was released on $1,000 bail, returnable on April 5, 1928.

Since that time, Mr. President, the matter has been pending in the courts.

On May 27 of this year Mr. Justice Sutherland delivered the opinion of the court in the case of David S. Barry, Sergeant at Arms of the United States Senate, and John J. McGrain, Deputy Sergeant at Arms, petitioners, against The United States of America ex rel. Thomas W. Cunningham, on writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

Mr. President, this opinion is worthy of the consideration of every Member of the Senate and of every Member of the House of Representatives as well, because it so clearly sustains the power of the Senate in the premises. I trust that there will be an early meeting of the special committee to make further report to the Senate upon this matter; and I ask that at the conclusion of my remarks there may be printed in the RECORD the decision of Mr. Justice Sutherland, delivered for the court.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

SUPREME COURT OF THE UNITED STATES

No. 647. October term, 1928

David S. Barry, Sergeant at Arms of the United States Senate, and John J. McGrain, Deputy Sergeant at Arms, petitioners, *v.* The United States of America ex rel. Thomas W. Cunningham

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

[May 27, 1929]

Mr. Justice Sutherland delivered the opinion of the court:

The questions here presented for determination grow out of an inquiry instituted by the United States Senate in respect of the validity of the election of a United States Senator from Pennsylvania in November, 1926. The inquiry began before the election, immediately after the conclusion of the primaries, by the adoption of a resolution appointing a special committee to investigate expenditures, promises, etc., made to influence the nomination of any person as a candidate or promote the election of any person as a Member of the Senate at the general election to be held in November, 1926.

After the Pennsylvania primaries Cunningham was subpœnaed and appeared before this committee. Among other things he testified that he was a member of an organization which supported WILLIAM S. VARE for Senator at the primary election; that he had given to the chairman of the organization $50,000 in two installments of $25,000 each prior to the holding of the primaries. He had been clerk of a court for 21 years and was then receiving a salary of $8,000 a year. He paid the money to the chairman in cash, but refused to say where he obtained it except that he had not drawn it from a bank. He would not say how long the money had been in his possession; said he had never inherited any, but declined to answer whether he had made money in speculation. In short, he declined to give any information in respect of the sources of the money, insisting that it was his own and the question where he had obtained it was a personal matter. He further said that he had learned the trick from a former Senator of "saving money and putting it away and keeping it under cover"; that this Senator "was a past master in not letting his right hand know what his left had done, and he dealt absolutely in cash. The 'long green' was the issue."

Mr. VARE was nominated and elected at the succeeding November election. The special committee thereafter submitted a partial report in respect of Cunningham's refusal to testify. In January, 1927, VARE'S election having been contested by William B. Wilson upon the ground of fraud and unlawful practices in connection with the nomination and election, the Senate adopted a resolution further authorizing the special committee to take possession of ballot boxes, tally sheets, etc., and to preserve evidence in respect of the charges made by Wilson. In February, 1927, Cunningham was recalled and, questions previously put to him having been repeated, he again refused to give the information called for, as he had done at the first hearing.

At the opening of Congress in December, 1927, the Senate adopted an additional resolution, reciting, among other things, that there were numerous instances of fraud and corruption in behalf of VARE'S candidacy and that there had been expended in his behalf at the primary election a sum exceeding $785,000. Expenditure of such a large sum of money was declared to be contrary to sound public policy; and the special committee was directed to inquire into the claim of VARE to a seat in the Senate, to take evidence in respect thereto, and report to the Senate—in the meantime, it was resolved, VARE should be denied a seat in the Senate. By a subsequent resolution, the Committee on Privileges and Elections was directed to hear and determine the contest between VARE and Wilson.

The special committee, in March, 1928, reported its proceedings, including testimony given by Cunningham, recited his refusal to give information in response to questions, as hereinbefore set forth, and recommended that he be adjudged in contempt of the committee and of the Senate. The Senate, however, did not adopt the recommendation of the committee, but, instead, passed a resolution reciting Cunningham's contumacy and instructing the President to issue his warrant commanding the Sergeant at Arms or his deputy to take the body of Cunningham into custody, and to bring him before the bar of the Senate, "then and there or elsewhere as it may direct, to answer such questions pertinent to the matter under inquiry as the Senate, through its said committee, or the President of the Senate, may propound, and to keep the said Thomas W. Cunningham in custody to await further order of the Senate." The warrant was issued and executed; and thereupon Cunningham brought a habeas corpus proceeding in the Federal District Court for the Eastern District of Pennsylvania.

In his petition for the writ of habeas corpus, Cunningham averred that he was arrested under the warrant by reason of an alleged contempt; and that, by reason of his refusal to disclose his private and individual affairs to the special committee, the Senate had illegally and without authority adjudged him to be in contempt and had issued its warrant accordingly. A return was made to the writ, denying that the Senate had adjudged Cunningham in contempt and, in substance, averring that the warrant by which he was held simply required that he be brought to the bar of the Senate to answer questions pertaining to the matter under inquiry, etc.

The district court, to which the return was made, after a hearing and consideration of written briefs and oral arguments, entered an order discharging the writ and remanding Cunningham to the custody of the Sergeant at Arms. A written opinion was handed down by Judge Dickinson, sustaining the power of the Senate to compel the attendance of witnesses under the circumstances above set forth, and holding that the Senate had not proceeded against Cunningham for a contempt; but by its resolution had required his arrest and production at the bar of the Senate, simply to answer questions pertinent to the matter under inquiry (25 F. (2d) 733).

Upon appeal, the court of appeals reversed the district court, holding that the arrest was in reality one for contempt, but, if it should be regarded as an arrest to procure Cunningham's attendance as a witness, it was void because a subpœna to attend at the bar of the Senate had not previously been served upon him, and that this was a necessary prerequisite to the issue of an attachment. Treating the proceeding as one for contempt, that court held that the information sought to be elicited and which Cunningham refused to give was not pertinent to the inquiry authorized to be made by the committee, and that Cunningham was justified in declining to answer the questions in respect thereof. Circuit Judge Woolley dissented, substantially adopting the view of the district court (29 F. (2d) 817).

The correct interpretation of the Senate's action is that given by the district judge and by Judge Woolley. It is true the special committee in its report to the Senate recited Cunningham's contumacy and recommended that he be adjudged in contempt, but the resolution passed by the Senate makes it entirely plain that this recommendation of the committee was not followed. The Senate resolution, after a recital of Cunningham's refusal to answer certain questions, directs that he be attached and brought before the bar of the Senate, not to show cause why he should not be punished for contempt, but "to answer such questions pertinent to the matter under inquiry as the Senate through its said committee or the President of the Senate may propound. * * *" We must accept this unequivocal language as expressing the purpose of the Senate to elicit testimony in response to questions to be propounded at the bar of the Senate, and the question whether the information sought to be elicited from Cunningham by the committee was pertinent to the inquiry which the committee had been directed to make may be put aside as immaterial.

It results that the following are the sole questions here for determination: (1) Whether the Senate was engaged in an inquiry which it had constitutional power to make; (2) if so, whether that body had power to bring Cunningham to its bar as a witness by means of a warrant of arrest; and (3) whether as a necessary prerequisite to the issue of such warrant of arrest a subpœna should first have been served and disobeyed.

First. Generally, the Senate is a legislative body, exercising in connection with the House only the power to make laws. But it has had conferred upon it by the Constitution certain powers which are not legislative but judicial in character. Among these is the power to judge of the elections, returns and qualifications of its own Members. (Art. I, sec. 5, cl. 1.) "That power carries with it authority to take such steps as may be appropriate and necessary to secure information upon which to decide concerning elections." (Reed v. County Commissioners, 277 U. S. 376, 388.) Exercise of the power necessarily involves the ascertainment of facts, the attendance of witnesses, the examination of such witnesses, with the power to compel them to answer pertinent questions, to determine the facts and apply the appropriate rules of law, and, finally, to render a judgment which is beyond the authority of any other tribunal to review. In exercising this power, the Senate may, of course, devolve upon a committee of its members the authority to investigate and report; and this is the general, if not the uniform, practice. When evidence is taken by a committee, the pertinency of questions propounded must be determined by reference to the scope of the authority vested in the committee by the Senate. But undoubtedly, the Senate, if it so determine, may in whole or in part dispense with the services of a committee and itself take testimony; and, after conferring authority upon its committee, the Senate, for any reason satisfactory to it and at any stage of the proceeding, may resume charge of the inquiry and conduct it to a conclusion or to such extent as it may see fit. In that event, the limitations put upon the committee obviously do not control the Senate; but that body may deal with the matter, without regard to these limitations, subject only to the restraints imposed by or found in the implications of the Constitution. We can not assume, in advance of Cunningham's interrogation at the bar of the Senate, that these restraints will not faithfully be observed. It sufficiently appears from the foregoing that the inquiry in which the Senate was engaged, and in respect of which it required the arrest and production of Cunningham, was within its constitutional authority.

It is said, however, that the power conferred upon the Senate is to judge of the elections, returns, and qualifications of its "Members," and, since the Senate had refused to admit VARE to a seat in the Senate or permit him to take the oath of office, that he was not a Member. It is enough to say of this, that upon the face of the returns he had been elected and had received a certificate from the governor of the State to that effect. Upon these returns and with this certificate he presented himself to the Senate, claiming all the rights of membership. Thereby, the jurisdiction of the Senate to determine the rightfulness of the claim was invoked and its power to adjudicate such right immediately attached by virtue of section 5 of Article I of the Constitution. Whether, pending this adjudication, the credentials should be accepted, the oath administered, and the full right accorded to participate in the business of the Senate was a matter within the discretion of the Senate. This has been the practical construction of the power by both Houses of Congress,[1] and we perceive no reason why we should reach a different conclusion. When a candidate is elected to either House, he of course is elected a Member of the body; and when that body determines, upon presentation of his credentials, without first giving him his seat, that the election is void, there would seem to be no real substance in a claim that the election of a "Member" has not been adjudged. To hold otherwise would be to interpret the word "Member" with a strictness in no way required by the obvious purpose of the constitutional provision, or necessary to its effective enforcement in accordance with such purpose, which, so far as the present case is concerned, was to vest the Senate with authority to exclude persons asserting membership who either had not been elected or, what amounts to the same thing, had been elected by resort to fraud, bribery, corruption, or other sinister methods having the effect of vitiating the election.

Nor is there merit in the suggestion that the effect of the refusal of the Senate to seat VARE pending investigation was to deprive the State of its equal representation in the Senate. The equal representation clause is found in Article V, which authorizes and regulates amendments to the Constitution, "provided, * * * that no State, without its consent, shall be deprived of its equal suffrage in the Senate." This constitutes a limitation upon the power of amendment and has nothing to do with a situation such as the one here presented. The temporary deprivation of equal representation which results from the refusal of the Senate to seat a Member pending inquiry as to his election or qualifications is the necessary consequence of the exercise of a constitutional power and no more deprives the State of its "equal suffrage" in the constitutional sense than would a vote of the Senate vacating the seat of a sitting Member or a vote of expulsion.

[1] Among the typical cases in the House, where that body refused to seat Members in advance of investigation although presenting credentials unimpeachable in form, was that of Roberts, in the fifty-sixth Congress, where it was so decided after full debate by a vote of 268 to 50. (CONGRESSIONAL RECORD, vol. 33, pt. 2, p. 1217.)

It was stated at the bar in this case that the Senate in 29 cases had, in advance of investigation, seated persons exhibiting prima facie credentials, and in 16 cases had taken the opposite course of refusing to seat such persons before investigation and determination of charges challenging the right to the seat.

Second. In exercising the power to judge of the elections, returns, and qualifications of its Members, the Senate acts as a judicial tribunal, and the authority to require the attendance of witnesses is a necessary incident of the power to adjudge, in no wise inferior under like circumstances to that exercised by a court of justice. That this includes the power in some cases to issue a warrant of arrest to compel such attendance, as was done here, does not admit of doubt. (McGrain v. Daugherty, 273 U. S. 135, 160, 180.) That case dealt with the power of the Senate thus to compel a witness to appear to give testimony necessary to enable that body efficiently to exercise a legislative function; but the principle is equally, if not a fortiori, applicable where the Senate is exercising a judicial function.

Third. The real question is not whether the Senate had power to issue the warrant of arrest but whether it could do so under the circumstances disclosed by the record. The decision of the court of appeals is that, as a necessary prerequisite to the issue of a warrant of arrest, a subpœna first should have been issued, served, and disobeyed. And undoubtedly the courts recognize this as the practice generally to be followed. But undoubtedly also a court has power in the exercise of a sound discretion to issue a warrant of arrest without a previous subpœna when there is good reason to believe that otherwise the witness will not be forthcoming. A statute of the United States (U. S. C. title 28, sec. 659) provides that any Federal judge, on application of the district attorney, and being satisfied by proof that any person is a competent and necessary witness in a criminal proceeding in which the United States is a party or interested, may have such person brought before him by a warrant of arrest, to give recognizance, and that such person may be confined until removed for the purpose of giving his testimony, or until he gives the recognizance required by said judge. The constitutionality of this statute apparently has never been doubted. Similar statutes exist in many of the States and have been enforced without question.

United States v. Lloyd (4 Blatchf. 427) was a case arising under the Federal statute. The validity of the statute was not doubted, although the witness was held under peculiar conditions of severity, because of which the court allowed him to be discharged upon his own recognizance in the sum of $1,000.

In State of Minnesota ex rel. v. Grace (18 Minn. 398) a similar statute was upheld and applied in the case of a material witness where it was claimed that there was good reason to believe that he would leave the State before the trial and not return to be present at the time of such trial. The court, using the words of Lord Ellenborough in Bennett v. Watson, 3 Maule & Selwyn 1, said (p. 402): "The law intends that the witness shall be forthcoming at all events, and it is a lenient mode which it provides to permit him to go at large upon his own recognizance. However, this is only one mode of accomplishing the end, which is his due appearance." The witness, however, was discharged because of an entire absence of proof of any intention on his part not to appear and testify.

The comment of the court in Crosby v. Potts (8 Ga. App. 463, 468) is peculiarly apposite:

"It is a hardship upon one whose only connection with a case is that he happens to know some material fact in relation thereto that he should be taken into control by the court and held in the custody of the jailer unless he gives bond (which, from poverty, he may be unable to give), conditioned that he will appear and testify; but the exigencies of particular instances do often require just such stringent methods in order to compel the performance of the duty of the witness's appearing and testifying. There are many cases in which an ordinary subpœna would prove inadequate to secure the presence of the witness at the trial. The danger of punishment for contempt on account of a refusal to appear is sometimes too slight to deter the witness from absenting himself; especially is this true where there are but few ties to hold the witness in the jurisdiction where the trial is to be held, and there are reasons why he desires not to testify; for when once he has crossed the State line, he is beyond the grasp of any of the court's processes to bring him to the trial or to punish him for his refusal to answer to a subpœna. We conclude, therefore, that since the law manifestly intends that the courts shall have adequate power to compel the performance of the respective duties falling on those connected in anywise with the case, it may, where the exigencies so require, cause a witness to be held in custody, and in jail if need be, unless he gives reasonable bail for his appearance at the trial."

See also Ex parte Sheppard (43 Tex. Cr. Rep. 372); Chamberlayne, Modern Law of Evidence, section 3622.

The rule is stated by Wharton, 1 Law of Evidence, section 385, that where suspicions exist that a witness may disappear, or be spirited away, before trial, in criminal cases, and when allowed by statute in civil cases, he may be held to bail to appear at the trial and may be committed on failure to furnish it, and that such imprisonment does not violate the sanctions of the Federal or State constitutions.

The validity of acts of Congress authorizing courts to exercise the power in question thus seems to be established. The Senate, having sole authority under the Constitution to judge of the elections, returns, and qualifications of its Members, may exercise in its own right the inci-

dental power of compelling the attendance of witnesses without the aid of a statute. (Cf. Reed *v.* County Commissioners, supra, p. 388.) The following appears from the report of the committee to the Senate upon which the action here complained of was taken: "A subpœna was issued for his appearance early in June. A diligent search failed to locate him. Finally, Representative GOLDER, of the fourth district of Pennsylvania, communicated with the committee, stating that Cunningham would accept service. His whereabouts was disclosed and he was served." Upon examination by the committee he repeatedly refused to answer questions which the committee deemed relevant and of great importance, not upon the ground that the answers would tend to incriminate him but that they involved personal matters. These questions have already been recited, and it is impossible for us to say that the information sought and refused would not reflect light upon the validity of VARE'S election.

It is not necessary to determine whether the information sought was pertinent to the inquiry before the committee, the scope of which was fixed by the provisions of the Senate resolution. But it might well have been pertinent in an inquiry conducted by the Senate itself, exercising the full, original, and unqualified power conferred by the Constitution. If the Senate thought so, and, from the facts before it reasonably believing that this or other important evidence otherwise might be lost, issued its warrant of arrest, it is not for the court to say that in doing so the Senate abused its discretion. The presumption in favor of regularity, which applies to the proceedings of courts, can not be denied to the proceedings of the Houses of Congress, when acting upon matters within their constitutional authority. It fairly may be assumed that the Senate will deal with the witness in accordance with well-settled rules and discharge him from custody upon proper assurance, by recognizance or otherwise, that he will appear for interrogation when required. This is all he could properly demand of a court under similar circumstances.

Here the question under consideration concerns the exercise by the Senate of an indubitable power; and if judicial interference can be successfully invoked it can only be upon a clear showing of such arbitrary and improvident use of the power as will constitute a denial of due process of law. That condition we are unable to find in the present case.

Judgment reversed.

DECENNIAL CENSUS AND APPORTIONMENT OF REPRESENTATIVES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses, and to provide for apportionment of Representatives in Congress.

Mr. BLEASE. Mr. President, I desire to offer three short amendments to the pending bill, and ask that they be considered as pending.

The VICE PRESIDENT. The amendments may be printed and lie on the table. There is one amendment pending. The Chair is informed that the amendments have already been printed.

Mr. KING. Mr. President, I thought I apprehended the agreement that has just been entered into; but, to be certain, amendments may be offered the first thing in the morning, I presume?

The VICE PRESIDENT. That is the understanding of the Chair.

EXECUTIVE SESSION

Mr. WATSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. WATSON. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, May 29, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 28 (legislative day of May 16), 1929

SPECIAL COUNSEL

William Scallon, of Helena, Mont., to be special counsel, employed to prosecute proceedings to assert and establish the title of the United States to sections 16 and 36, township 30 south, range 23 east, Mount Diablo meridian, within the exterior limits of naval reserve No. 1 in the State of California, and to prosecute any suit or suits ancillary thereto or necessary or desirable, under the provisions of Public Resolution No. 6, approved February 21, 1924.

CONFIRMATIONS

Nominations confirmed by the Senate May 28 (legislative day of May 16), 1929

ASSISTANT ATTORNEY GENERAL

Charles P. Sisson.

MEMBER OF THE UNITED STATES SHIPPING BOARD

Roland K. Smith.

UNITED STATES MARSHAL

Charles H. Rawlinson, western district of Wisconsin.

MEMBERS OF THE PUBLIC UTILITIES COMMISSION OF THE DISTRICT OF COLUMBIA

Harleigh H. Hartman.
Mason M. Patrick.

COAST GUARD

Rutherford B. Lank, jr., to be constructor.
Dale R. Simonson to be constructor.

APPOINTMENTS IN THE ARMY

Alfred Alexandre de Lorimier to be first lieutenant, Medical Corps.

John William Westerman to be chaplain with the rank of first lieutenant.

Joseph Oscar Ensrud to be chaplain with the rank of first lieutenant.

AIR CORPS

To be second lieutenants

Robert Edward Lee Choate.
Edwin Roland French.
Milton Hamilton Anderson.
John Williams Persons.
William Chamberlayne Bentley, jr.
Sam Williamson Cheyney.
Clarence Kennedy Roath.
Kenneth Austin Rogers.
Max Harrelson Warren.
Robert Kirkland Black.
Edwin Lee Tucker.
Ralph Columbus Rhudy.
Emery Jamison Martin.
Issac William Ott.
Elwell Adolphus Sanborn.
Edward Holmes Underhill.
Trenholm Jones Meyer.
John Joseph Keough.
William Houston Maverick.
William Pryor Sloan.
George Frost Kinzie.
Harry Johnson Zimmerman.
Albert Boyd.
James Wayne McCauley.
Thomas Robert Starratt.
Edward Harrison Alexander.
Frank Alton Armstrong, jr.
William Albert Matheny.
John Patrick Kenny.
Lambert Spencer Callaway.
Ralph Aldrich Murphy.
Reginald Franklin Conroy Vance.
William Lecel Lee.
David Dunbar Graves.
Allen Joslyn Mickle.
Haywood Shepherd Hansell, jr.
William Truman Colman.
Paul Mueller Jacobs.
Dudley Durward Hale.
Kenneth Clinton Brown.
Harley Ray Grater.
Herbert Leonard Grills.
Russell Allan Cone.
Benjamin Scovill Kelsey.
Thomas Lee Mosley.
Raymond Lloyd Winn.
Leonard Franklin Harman.
Kingston Eric Tibbetts.
Richard Henry Lee.
Robert Wilson Stewart.
Lewis R. Parker.
Walter Archibald Fenander.
William Maurice Morgan.
Richard Irvine Dugan.
Edwin Minor Day.
Jack Weston Wood.
Charles Dibrell Fator.
James Herbert Wallace.

APPOINTMENTS, BY TRANSFER, IN THE ARMY

Beverly Carndine Snow to be first lieutenant, Corps of Engineers.

Louis Watkins Prentiss to be first lieutenant, Corps of Engineers.

James Dunne O'Connell to be first lieutenant, Signal Corps.

Woodbury Freeman Pride to be captain, Field Artillery.

Paul Louis Singer to be captain, Infantry.

Cecil Ernest Henry to be first lieutenant, Air Corps.

Kenneth Perry McNaughton to be second lieutenant, Air Corps.

James Arthur Willis, jr., to be second lieutenant, Air Corps.

APPOINTMENTS, BY PROMOTION, IN THE ARMY

David Harmony Biddle to be colonel, Cavalry.

William Frederic Holford Godson to be colonel, Cavalry.

Charles Lewis Scott to be lieutenant colonel, Quartermaster Corps.

James Saye Dusenbury to be lieutenant colonel, Coast Artillery Corps.

Gordon de Lanney Carrington to be major, Coast Artillery Corps.

William Edward Lucas, jr., to be major, Infantry.

Arthur Penick Moore to be captain, Field Artillery.

Clifford Gordon Kershaw to be captain, Infantry.

Harry Daniels Scheibla to be captain, Infantry.

Edmund Mortimer Gregorie to be captain, Infantry.
Robert Virgil Laughlin to be captain, Infantry.
Bernard Francis Luebbermann to be first lieutenant, Field Artillery.
Peter Wesley Shunk to be first lieutenant, Coast Artillery Corps.
George Curnow Claussen to be first lieutenant, Cavalry.
James Frederick Howell to be first lieutenant, Coast Artillery Corps.
Russell Layton Mabie to be first lieutenant, Field Artillery.
Ewing Hill France to be first lieutenant, Infantry.
Rae Ellsworth Houke to be major, Medical Corps.
William Porter Moffet to be colonel, Cavalry.
Lloyd Burns Magruder to be lieutenant colonel, Coast Artillery Corps.
Victor Parks, jr., to be major, Chemical Warfare Service.
James Harold McDonough to be captain, Infantry.
Lewis Sheppard Norman to be captain, Infantry.
William John Eyerly to be first lieutenant, Field Artillery.
George Dunbar Pence to be first lieutenant, Field Artillery.
Murray Bradshaw Crandall to be first lieutenant, Cavalry.
Walter Leland Richards to be major, Medical Corps.
Charles Roland Glenn to be major, Medical Corps.

POSTMASTERS

KANSAS

Fay Biggs, Barnard.
Estella Emrich, Longford.

MARYLAND

John Rankin, Western Port.

MINNESOTA

Bennie J. Huseby, Adams.
Wallace W. Towler, Annandale.
Charles C. Tolman, Paynesville.

NEW JERSEY

De Wilton L. Anderson, Garfield.
Sealah P. Clark, Pitman.

VIRGINIA

James B. Dyson, Crewe.
Willie R. Hall, Heathsville.

HOUSE OF REPRESENTATIVES

TUESDAY, *May 28, 1929*

The House met at 12 o'clock noon.

Bishop William F. McDowell, of the Methodist Episcopal Church, offered the following prayer:

Almighty God, for this morning we ask of Thee the privilege of coming before Thee with our personal wants and necessities, our sins, our cares, our anxieties, and we ask also that we may bring before Thee our families and their interests and concerns. There are those of us here who are trying bravely to do our public duty, carrying all the time personal griefs and cares and burdens. There are those who have come this morning from homes of sickness and sorrow. Faces rise before us and names leap to our lips as we pray. O Lord, our Father, think of us this morning as a company of Thy children, with all of the cares and trials and temptations and burdens that belong to us just as human beings. Help us to bear them all; help us to bear them bravely; help us to go about our tasks to-day without a whimper; help us, O God, to live as becomes the children of God. Give peace to those for whom we pray. Give comfort to those who are ill and comfort to those who are bereaved. We bring our personal lives before Thee this morning, O God, our Father, and ask Thee to bless us, for Thy name's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

ACCEPTANCE OF STATUE OF WADE HAMPTON

Mr. STEVENSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of a House concurrent resolution, which I send to the Clerk's desk.

The SPEAKER. The gentleman from South Carolina asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House Concurrent Resolution 8

Resolved by the House of Representatives (the Senate concurring), That the statue of Wade Hampton, by F. W. Ruckstuhl, presented by the State of South Carolina to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered the State for the contribution of the statue of one of its most eminent citizens, illustrious for his services to his country. Second, that a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of South Carolina.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to place in the RECORD an article by Mr. Carl L. W. Meyer, of the Library of Congress, on the subject of intervals between elections and the meeting of parliaments, including our own.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by printing an article by Mr. Meyer. Is there objection?

Mr. UNDERHILL. Mr. Speaker, I object.

VENTILATION OF HOUSE CHAMBER

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. It is more in the way of calling attention to the fact that the atmosphere is too cool in this room. On yesterday it was 75 by the thermometer in this room and 91 on the outside. Fifteen or twenty degrees difference between the atmosphere in this room and on the outside is too much. I do not know who has charge of this, but I suggest that whoever is conducting this ventilation is making a mistake in pumping too much cooled air into this room when it is so warm on the outside.

Mr. LAGUARDIA. It is well to have some cool air here during this discussion.

Mr. RANKIN. This is regular Republican atmosphere, and it is enough to kill anybody if it continues. [Applause.]

CALENDAR WEDNESDAY

Mr. TILSON. Mr. Speaker, I ask unanimous consent that Calendar Wednesday business to-morrow be dispensed with.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that Calendar Wednesday business to-morrow be dispensed with. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I also ask unanimous consent that such bills as may be reported from the Committee on Ways and Means with a unanimous report may be considered to-morrow.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that such bills as the Ways and Means Committee may report unanimously may be considered to-morrow. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object—and I do not intend to object to this request—the gentleman from Connecticut a moment ago asked me about the consideration of some bills on which hearings will be held to-morrow morning at 10 o'clock by the Ways and Means Committee. I did not feel at liberty to enter into an agreement that any bills be considered except those reported by the unanimous vote of that committee. I can not see any objection to the consideration of bills reported by that committee when they have the unanimous report of the committee, but this does not bind any other Member of the House from exercising his right to object.

Mr. STAFFORD. Will the leader of the House kindly give information to the House as to what bills are likely to be considered to-morrow?

Mr. TILSON. There are three bills which have been introduced in the House—I think they were introduced yesterday—and referred to the Committee on Ways and Means for their consideration. As I understand, that committee will consider these bills to-morrow forenoon and it is expected that they will be reported and placed on the calendar when we convene to-morrow.

Mr. STAFFORD. What is the nature of the bills?

Mr. TILSON. The best way to secure the information would be to examine the bills, but I can give the gentleman information about at least two of them. One is a resolution authorizing the Secretary of the Treasury to withhold his demand on August 1 for $400,000,000 from France in case that prior to August 1 the French Government has ratified the Mellon-Berenger agreement.

Another embodies some needed legislation in connection with making fiscal arrangements for our June 15 financing. I am told that if the Treasury is allowed to sell certain bills it will be able to save considerable money in the next fiscal operation. The entire matter, of course, is to be brought to the attention of the Ways and Means Committee to-morrow and more detailed information will be brought out at that time.

The third bill is in connection with some unallocated interest. I do not know just what is in this bill, because I have not examined it myself.

Mr. HASTINGS. Will the gentleman from Connecticut yield a moment?

Mr. TILSON. Yes.

Mr. HASTINGS. Mr. Speaker, I am very decidedly opposed to a continuance of the payments on behalf of the French Government. I do not want to object, and I am not going to object; but I do certainly want to protest as strongly as I may now, and I certainly trust that the members of the Ways and Means Committee will not unanimously report out such an important resolution to-morrow, when the membership of the House has not had time to thoroughly consider it. I think a resolution of this importance ought not to be reported out at 12 o'clock to-morrow, and then have it voted upon immediately, without the membership of the House having an opportunity to take it up and study it. I want to protest against it. I am not on the Ways and Means Committee, and I think I can trust our membership on the Ways and Means Committee to carefully consider it, but I did not want the opportunity to pass without expressing the hope, at least, that this important resolution should not be reported and taken up for the consideration of this House without more time to consider it.

Mr. TILSON. There will be plenty of time to-morrow, Thursday, Friday, and Saturday, and so on until it is finished.

Mr. HASTINGS. But we do not have the data before us, and the report is not in, and yet we have to take up this important resolution and consider it to-morrow without an opportunity to have all the facts and figures before us so that we may study it and discuss it intelligently.

Mr. GARNER. May I say to the gentleman from Oklahoma [Mr. HASTINGS] that I do not think the resolution the gentleman refers to and the one the gentleman from Connecticut is talking about ought to be considered to-morrow. That resolution can be considered at any time prior to the adjournment of the Congress.

Mr. HASTINGS. That is right.

Mr. GARNER. The only object in passing the resolution is that it is contemplated that the Congress will take a recess and will not be in session at the time the French Parliament may ratify the agreement. If Congress is going to continue to be in session from now until August, there would be no occasion for the consideration of this resolution. So I think the resolution ought not to be considered at all until we know positively we are going to take a recess. I so expressed myself in the Ways and Means Committee yesterday when the matter was brought up. Therefore I think it is safe to say to the gentleman from Oklahoma that that resolution will not be considered to-morrow.

There are two others that may have to be considered. One of them is of a minor nature, the adjustment of accounts between the Treasury Department and the Alien Property Custodian about certain interest matters. This is a matter of bookkeeping that I think we might all come to an agreement upon.

The other is a matter of a far-reaching nature. It is a bill to provide a new method of financing the Treasury Department. It is something that is new in this country. It has been adopted in the old countries, especially in England, and it may have some very favorable features. We are going to have a hearing to-morrow and the hearings will be printed. It may be advisable to carry that matter over also to some other date so that the membership of the House may have an opportunity to examine the hearings and more thoroughly study the proposition.

Mr. HASTINGS. May I state one more thing in connection with the debt settlement resolution? Mr. Speaker and Members of the House, I do not believe that the country understands how much the taxpayers have lost in the remission of interest in these various settlements. According to an official Treasury table that I inserted in the RECORD, we have remitted $10,705,000,000 in all of these various debt settlements, and I think this is a matter that ought to be discussed more at length when it comes up again for consideration in the House.

Mr. TILSON. The gentleman understands, in reference to this French settlement matter, that the resolution we would act upon has no relation to the settlement agreement at all so far as our ratifying it is concerned. It is simply to postpone the demand to be made by the Treasury upon the French Government for $400,000,000. If France had already agreed to ratify the agreement heretofore made, it would come with rather bad grace for us, upon the ratification of the agreement by France, to proceed to make our demand for the $400,000,000 the same as if the agreement had not been ratified.

Mr. STAFFORD. And it is not intended to remit the interest?

Mr. TILSON. No.

Mr. HASTINGS. I may say that in view of the remissions made by this country, I think bad grace is shown by the French Government in not acting upon the settlement. That Government is not entitled to further leniency.

Mr. GARNER. May I ask the gentleman from Connecticut to take a moment or two to outline the program for the balance of the week or the balance of the session, so the gentlemen of the House may have some idea about whether they may be away for a day or two days. I think it would be a favor to the membership for the gentleman to make such a statement.

Mr. TILSON. The gentleman understands perfectly the two major purposes for which we came here—the passage of the farm bill and the tariff. We have passed the farm bill and it is in conference. Of course, we can not take a recess until that is disposed of. We expect to pass to-day the tariff bill, and that, of course, will go to the Senate. It will take some time to finish the bill in the Senate, but the House must be in readiness at all times to complete the consideration and the final passage of the tariff bill.

There are some other matters, including the census and apportionment bill which is now pending in the Senate. When that bill is passed and comes here, of course, it will be the duty of the House to consider it. All of this means that there are no present indications of a recess.

Mr. GARNER. May I ask the gentleman from Connecticut whether you contemplate calling up during the balance of this week any measures other than those that might be reported from the Committee on Ways and Means? Do you expect to consider the apportionment bill in case it is sent over here right away?

Mr. TILSON. We had better cross that bridge when we come to it. I do not know when the apportionment bill will come over.

Mr. GARNER. I am trying to get information for the benefit of the House. Does the gentleman expect to consider it any time this week if it should come over?

Mr. TILSON. I am not making any assurance on that matter at present.

Mr. GARNER. And you are not going to adjourn over Thursday?

Mr. TILSON. It was my hope that we might get these bills out of the way so that we might adjourn over Memorial Day, but evidently some gentlemen do not wish to do so.

Mr. RANKIN. Does the gentleman say that we will be in session on Thursday?

Mr. TILSON. It was the hope that we might get these matters out of the way and adjourn over.

Mr. DOUGLASS of Massachusetts. Will the gentleman yield?

Mr. TILSON. I yield.

Mr. DOUGLASS of Massachusetts. May I ask if the Republican leadership is contemplating the consideration of the matter of national origins?

Mr. TILSON. That is another question that is pending in the Senate. We are waiting, and when it comes over we shall meet that question also.

Mr. BANKHEAD. Will the gentleman yield?

Mr. TILSON. I yield.

Mr. BANKHEAD. Mr. Speaker, before the matter of unanimous consent is disposed of, will the Chair again state what the unanimous request is?

The SPEAKER. The gentleman from Connecticut asks unanimous consent that on to-morrow any bill which may have received unanimous approval of the Ways and Means Committee may be considered.

Mr. BANKHEAD. Does that contemplate that it shall be considered in spite of a member of the Ways and Means Committee objecting? That is, if the Ways and Means Committee agrees to the bill would this unanimous consent authorize the Republican leader to call the bill up notwithstanding the objection from a Member?

Mr. TILSON. If the bill is reported without objection, it seems to me that under the proposed agreement it would be in order to call it up.

Mr. GARNER. Let me say to the gentleman, as I stated to him and the President when we were talking about this the other day, I am in this attitude: I have not voted for a single settlement and I do not expect to vote for the French settlement. If I am in the attitude of agreeing to a resolution that in effect says to France if you ratify the agreement between now and August 1 we will not present the demand for the $400,000,000. There is no great rush and I do not want

the resolution to come up until after it is made certain that we are going to take a recess.

Mr. DENISON. Has not the French resolution been ratified by this House?

Mr. TILSON. Yes; but in another Congress, and it would be necessary to ratify it again. This resolution would in no way bind us, it would only postpone the demand for the $400,000,000 payment until Congress had an opportunity to ratify the agreement.

Mr. DENISON. The same question would be before the House that has been passed on by another House?

Mr. TILSON. Yes.

Mr. RANKIN. May I ask the gentleman, the leader of the majority, if he will not get unanimous consent for the House to adjourn over Thursday? There is no great rush; we have all summer, and there is no necessity for being in session on Memorial Day. A great many Members on both sides of the aisle have been invited out to make memorial addresses and some have accepted.

Mr. TILSON. I will say that if the bills referred to are disposed of I shall ask unanimous consent to-morrow to adjourn over Thursday.

Mr. RANKIN. I will say to the gentleman from Connecticut that if we are going to adjourn over we ought to have the information in advance. The threat ought not to be held over us that if we do not pass certain legislation we are going to be kept in session on Thursday.

Mr. TILSON. I have said nothing in the way of a threat. The only proposition is that if the work which we ought to do is disposed of I shall ask unanimous consent to adjourn over.

Mr. RANKIN. I would like to ask the gentleman what he calls a threat if it is not one to keep us in session on Memorial Day if we do not pass certain legislation.

Mr. HOWARD. Mr. Speaker, I fear that I am going to break a six years' record in this House by objecting to unanimous consent, but I feel it my duty to object to that portion of the request which refers to the French debt matter, and I do object.

Mr. TILSON. Seeing that there was nothing in the request necessarily relating to the French agreement, I do not see how the gentleman's objection applies.

Mr. HOWARD. Well, it is within the degree of cousin, and that is too close.

The SPEAKER. Objection is heard.

THE TARIFF

The SPEAKER. Under the rule the House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes, and the gentleman from New York, Mr. SNELL, will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 2667, with Mr. SNELL in the chair.

The Clerk reported the title of the bill.

Mr. HAWLEY. Mr. Chairman, I ask that the reading of the bill proceed.

The Clerk read as follows:

PAR. 6. Aluminum hydroxide or refined bauxite, one-half of 1 cent per pound; potassium aluminum sulphate or potash alum and ammonium aluminum sulphate or ammonia alum, three-fourths of 1 cent per pound; aluminum sulphate, alum cake or aluminous cake, containing not more than 15 per cent of alumina and more iron than the equivalent of one-tenth of 1 per cent of ferric oxide, three-tenths of 1 cent per pound; containing more than 15 per cent of alumina or not more iron than the equivalent of one-tenth of 1 per cent of ferric oxide, three-eighths of 1 cent per pound; all other aluminum salts and compounds not specially provided for, 25 per cent ad valorem.

Mr. HAWLEY. Mr. Chairman, I offer the following committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 121, line 8, strike out "6" and insert "7."

Mr. HAWLEY. Mr. Chairman, this increases the rate of duty on shelled peanuts to 7 cents a pound. It does not affect the importations of the smaller grades of peanuts, but it does affect the importations of the large size, known generally as Jumbo peanuts. These are coming in in considerable quantities. These peanuts are raised in certain portions of the South in considerable quantity, and the imports are causing embarrassment to the growers in the United States. The committee recommends this rate of increase to meet the competition in this particular line.

Mr. RAMSEYER. Mr. Chairman, I desire to take a few minutes of the time of this House to make certain observations on portions of a speech made by the gentleman from Illinois [Mr. CHINDBLOM] on Friday last. In that speech he inserted in the RECORD tables prepared by experts of the Tariff Commission showing the ad valorem increases in duties carried in this bill as compared with existing law, schedule by schedule. The tables arrange the schedules into two groups: First, manufactured products; and second, agricultural products.

Under the group of agricultural products we find Schedule 5, Sugar, molasses, and manufactures of; Schedule 6, Tobacco and manufactures of; Schedule 7, Agricultural products and provisions; and Schedule 11, Wool. With this classification, agricultural products show a greater increase in ad valorem duties in the bill over existing law than do the manufactured products. I do not think it is fair to include in agricultural products sugar and molasses, which are manufactured products chiefly from sugar beets and sugar cane. Nor should there be included in agricultural products the manufactures of tobacco any more than the manufactures of wool. The tables do not include the manufactures of wool in agricultural products, but include the raw wool, which is proper. Tobacco and sugar beets and sugar cane and wool grown on the farms are proper to include under agricultural products, but it is improper and unfair to include the manufactures of these farm products.

What raises the average for agricultural products in the tables referred to is the inclusion of the manufactures of sugar, where the increases carried in the bill are high, and of the manufactures of tobacco, where the highest duty under existing law is 156.26 per cent. Sugar beets carry a duty of 80 cents per ton in existing law, and the bill proposes no increase, and no ad valorem increase in duty can therefore be added to agricultural products because of this item. On sugar cane there is a duty of $1 per ton, and the bill proposes a duty of $3 per ton. There is no sugar cane imported into continental United States. A small quantity of sugar cane is imported into Porto Rico from Santo Domingo.

The proposed duty of $3 per ton is prohibitive, and therefore this item must be excluded from agricultural products, as the figures in the tables are based on the weighted averages of 1928 imports. If the $3 rate goes into effect there will be no imports.

I think it would be just as fair to include the entire wool schedule in agricultural products as to include the entire sugar schedule. If we include raw wool in agricultural products, which is proper, and exclude from agricultural products the manufactures of wool, then when we come to the sugar schedule we should include in agricultural products the sugar beets and sugar cane grown on the farms and exclude the manufactures of those products. Likewise include the tobacco grown on the farms and exclude the manufactures of tobacco.

On Schedule 7, Agricultural products and provisions, I think the figures presented by the gentleman from Illinois are quite accurate. I had the statistician of the Department of Agriculture go over Schedule 7, and the differences in the figures presented by the gentleman from Illinois and by the Department of Agriculture are very small. The commission's figures are on Schedule 7—in the bill 31.37 per cent and in existing law 22.79 per cent. The Agricultural Department's figures are on Schedule 7—in the bill 31.91 per cent and in existing law 22.99 per cent. The differences may be due to the fact that the commission's figures are based on 1928 imports, while the department's figures are based on 1927 imports.

Mr. CHINDBLOM. Did the statistician in the Agricultural Department take into consideration any amendments which have been added since the bill was reported?

Mr. RAMSEYER. I think not. I think he simply had the bill as reported. Of course, amendments have been adopted during the last few days, and naturally that will increase the agricultural rates somewhat.

Mr. CHINDBLOM. I am gratified that the two statisticians were so nearly in agreement.

Mr. RAMSEYER. I think that, so far as Schedule 7 is concerned, the figures the gentleman from Illinois put in are correct.

Mr. CHINDBLOM. May I ask whether the gentleman has made any investigation as to the other figures?

Mr. RAMSEYER. No; I have not.

Mr. CHINDBLOM. The figures which I inserted were furnished me by the United States Tariff Commission, with the

explicit statement that they were not official on the part of the commission, but that they had been made by the experts of the commission and are doubtless substantially accurate. Since the adoption of the rayon schedule in the table which I submitted the figures for that schedule in the duties on manufactured products should be raised substantially to the equivalent ad valorem rates under the present law.

Mr. RAMSEYER. I do not question the accuracy of the figures of the gentleman from Illinois, but I do wish to reassert that I do not think that agriculture should be charged with the increases in the sugar schedule. Nor should we include the manufactures of tobacco in agricultural products.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Let me make this statement, and I shall yield if I have any time left: I simply rose here to warn the Members against taking too seriously the increases for the benefit of agriculture, as shown in the tables inserted in the RECORD by the gentleman from Illinois.

Mr. Chairman, I ask unanimous consent that I may insert in the RECORD, in connection with the remarks I am making, any table or tables I may receive from the Tariff Commission after this bill has been sent by this House to the Senate.

The CHAIRMAN. Subject to the approval of the Joint Committee on Printing, the Chair understands the gentleman has that right.

Mr. RAMSEYER. Very well; I shall take my chances.

Mr. JONES of Texas. I wanted to know if it were not true that silk, which has a duty, is also classed as an agricultural product, and so are rubber and tea.

Mr. RAMSEYER. Those products are not included.

Mr. JONES of Texas. It was in one of the tables in the summary.

Mr. RAMSEYER. It is not included or charged against agriculture in the table presented by the gentleman from Illinois [Mr. CHINDBLOM].

Mr. JONES of Texas. It was in one of the tables submitted the other day.

Mr. LOZIER. Were those based on some rates or weighted averages?

Mr. RAMSEYER. They are based on weighted averages.

Mr. CHINDBLOM. The figures that I submitted were based on the 1928 importation.

Mr. RAMSEYER. This bill in a few hours will be sent to the Senate, where it will likely receive prolonged and, I hope, careful consideration. When this bill shall have passed the Senate it will come back to the House for further consideration. Then the conferees will have the task of reconciling the differences in the bill as it passed the House and as it passed the Senate. The agreements of the conferees will all have to be ratified by both the House and the Senate before the bill can be sent to the President for his approval or disapproval.

There are 16 schedules in this tariff bill containing, in all, over 10,000 items. During the debate I pointed out the schedules which I approved on the whole as reasonably fair, and presented facts and reasons for my disapproval of certain items in the other schedules. The six schedules, in which appear the items which I disapproved in my speeches during the time the bill was before this body for consideration, are Schedule 1, Chemicals, oils, and paints; Schedule 2, Earths, earthenware, and glassware; Schedule 3, Metals and manufactures of; Schedule 4, Wood and manufactures of; Schedule 5, Sugar, molasses, and manufactures of; and Schedule 15, Sundries. These particular items I hope the Senate will correct. If these corrections are made, the bill, in my judgment, will be much improved, and will be more helpful to both agriculture and the industries. [Applause.]

Mr. Chairman, under leave to extend my remarks I present a statement prepared by experts of the Tariff Commission for printing in the RECORD. In the table of this statement are included, under agricultural products, Schedules 5 and 6, and is, therefore, subject to the same criticism which I made to the table inserted in the RECORD by the gentleman from Illinois [Mr. CHINDBLOM].

To be fair, we must exclude from agricultural products the manufactures of sugar and molasses and the manufactures of tobacco. It is fair to include in agricultural products sugar beets, sugar cane, raw tobacco, and raw wool. Including the products just named with the products in Schedule 7, Agricultural products and provisions, the average ad valorem duties for agricultural products will be less than 40 per cent, instead of 57.83 per cent, as shown in the table. The statement referred to above is as follows:

EQUIVALENT AD VALOREM RATES UPON ARTICLES DUTIABLE UNDER H. R. 2667 OR THE TARIFF ACT OF 1922

(Tentative and unofficial)

NOTES.—In calculating the ad valorem rates, transfers from the dutiable list to free list or from the free list to the dutiable list have been taken into consideration. In the sundries schedule, for example, large imports of hides and skins, and leather and shoes made therefrom, previously free but now dutiable under H. R. 2667 at 10 to 20 per cent, have been included. These items materially reduce the ad valorem equivalent duties for the schedule as a whole.

The equivalent ad valorem rates of duty of the tariff act of 1922 are based upon import statistics for the calendar year 1928. The ad valorem rates for H. R. 2667 are calculated from the quantity and values of imports for the same year; that is, 1928.

Schedules	H. R. 2667	Tariff act 1922	Increase over act of 1922
Manufactured products:[1]	*Per cent*	*Per cent*	*Per cent*
1. Chemicals, oils, and paints	32.37	29.35	10.29
2. Earths, earthenware, and glassware	54.88	45.45	20.75
3. Metals and manufactures of	39.46	35.07	12.52
4. Wood and manufactures of	25.40	15.95	59.25
9. Manufactures of cotton	43.58	40.26	8.25
10. Flax, hemp, jute, and manufactures of	18.26	17.61	3.69
11. Manufactures of wool	63.07	53.26	18.42
12. Manufactures of silk	59.40	56.56	5.02
13. Manufactures of rayon	54.55	54.05	.93
14. Papers and books	26.15	24.52	6.65
15. Sundries[2]	28.11	20.40	37.79
Average for manufactured products	35.29	29.78	18.50
Agricultural products:[3]			
5. Sugar, molasses, and manufactures of	92.36	67.85	36.12
6. Tobacco and manufactures of	66.96	63.09	6.13
7. Agricultural products and provisions	34.11	23.10	47.68
11. Wool	46.82	42.68	9.70
Average for agricultural products	57.83	43.76	32.15
The following schedule is not included in the above averages:			
8. Spirits, wines, and other beverages	43.90	35.89	22.32

[1] Includes in some cases products of mines and forests as well as manufactures of these products.

[2] Included in Schedule 15 are hides and skins, the equivalent ad valorem rates on which are as follows: H. R. 2667, 10 per cent; act of 1922, free. The rates in Schedule 15, exclusive of hides and skins, are, in H. R. 2667, 34.53 per cent, and in the act of 1922, 27.63 per cent.

[3] Includes agricultural and marine products and manufactures thereof.

Mr. ALMON rose.

The CHAIRMAN. The gentleman from Alabama is recognized for five minutes.

Mr. ALMON. Mr. Chairman and members of the committee, it was expected when the extra session was called that the legislation to be enacted would be in the nature of farm relief. This bill is not a farm relief measure. It is for the benefit of the manufacturers. It will not increase the price of wages of the people who labor, but will increase the cost of their living.

While there are some provisions in favor of agricultural products, if any good is to result from this it will be more than overcome by the bad features increasing the tariff in behalf of the big manufacturers, who, it seems, are now in a prosperous condition and paying large dividends.

If this Republican administration wants to do something for farm relief, why do they not accept the tariff debenture clause which was passed by the Senate? And also provide legislation for the operation of Muscle Shoals in order that the farmer may get a cheaper and better grade of fertilizer. The debenture plan is simple and easy of administration without new governmental machinery. The Treasury, through its customs collectors, issues certificates of debenture to the exporter of farm surplus equal to one-half the tariff rate on articles and on cotton, which has no tariff, 2 cents a pound. The Treasury would receive these debentures the same as cash in payment of all tariff duties. The effect will be to raise the price of all farm products that have an exportable surplus. It would have an effect upon the whole domestic market. It is claimed by some of the friends of debenture that it will benefit the farmers many times the amount of the debenture. In other words, that if the debenture is $200,000,000 the farmers would receive probably ten times that amount in increase benefits. This would not be less than they are justly entitled to receive.

Those who oppose the debenture admit that agriculture is in bad condition, but claim that debenture is a bounty. For the same reason it can be claimed that the high protective tariff in favor of the manufacturer is also a bounty. It is given to him

by the Government and for the same reason why not give the farmer something?

Debenture gives back to the farmer who has an exportable surplus one-half the amount the tariff takes away from him and gives him 2 cents a pound for all cotton exported. If we are to have a tariff, why not let it be a tariff for all? The tariff enables the protected manufacturer to fix the price of his products while the farmer has to sell his surplus products for whatever price he can in an open market and buy the things he is forced to buy in a protected market.

Let agriculture be placed on a basis with industry—but this bill does not do that. It is worse for the farmer than the existing tariff law. The farmer is not needing more credit as badly as he does a better price for what he raises to sell. This will increase the cost of living of the laboring man and everyone else in this country.

The farm organizations of the country are not satisfied with this tariff bill which is a revision of the tariff upward, and does not make provision for agricultural relief. The Republican machine is well oiled and this bill will pass with the usual Republican majority and nothing is going to be gained by speaking against it, so I shall content myself by registering my vote against it. [Applause.]

Mr. WARREN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from North Carolina is recognized for five minutes.

Mr. WARREN. Mr. Chairman and ladies and gentlemen of the committee, in the wild orgy that has characterized the make-up and consideration of this bill the Republican majority of the House has again shown itself incapable of accepting advice from any source other than those interests which have always written every Republican tariff bill in the history of that party.

I am going to read a short editorial appearing in the Washington Daily News of May 27. This is one of the Scripps-Howard chain of papers which rendered yeoman service to President Hoover and the Republican Party in the late campaign. Before this monstrous iniquity, which violates every pledge the Republican Party made to the people, goes to another body it is well that we hear one more opinion of it from a Republican source. Here it is:

THINK FAST, DICTATORS

So the House Republicans intend to jam their higher tariff bill down the country's throat without even the ceremony of adequate debate. Well, they can do it. No one can stop them.

But there is always a later day of accounting. For all the nose-thumbing arrogance of the G. O. P. congressional leaders they are still subject to the voters who elected them. And the American voters have shown more than once great delight in taking a fall out of legislative dictators.

Americans back home in the districts from which these would-be dictators come are old-fashioned enough to expect Congress to conduct itself as a deliberative assembly and not as a chain gang.

There is as little popular sympathy as there is parliamentary excuse for the House vote adopting the rule which will exclude all debate on all tariff bill amendments other than those approved by the Republican bosses of the Ways and Means Committee.

Fair minority discussion of the Republican bill is especially necessary because it violates by wholesale increases the Republican campaign pledge of limited revision, because it will boost the price of living for farmers and city workers, and because it has already provoked threats of serious trade reprisals by foreign nations.

This bill is the most shameless high-protection orgy in a generation.

Utterly ignoring the Hoover campaign promise which helped elect them, the Republican leaders in the House have not limited tariff revision to the agricultural schedules and a few industrial adjustments. Instead the already high wall of the Fordney-McCumber law against industrial imports has been raised 11 per cent to an average industrial duty of 38.63 per cent. Those are the figures of the United States Tariff Commission.

Living costs would be increased by this bill upward of $700,000,000 a year, it is estimated, and on such essentials as food, clothing, and shelter.

But these considerations don't trouble the strong-arm boys of the House. They have a big Republican majority, so why should they let the Democrats and the Progressives even discuss the bill? Hence the gag rule by which they will pass the bill Tuesday afternoon.

May I digress right there and ask where are the progressives that used to sit in this House? Through all this debate the only militant voices that have been raised from that sector against the outrageous schedules carried in this bill are those of the gentleman from Wisconsin [Mr. FREAR] and the gentleman from New York [Mr. LAGUARDIA]. I read further:

Fortunately, the bill after being railroaded through the House must still get by the Senate and the President.

And after that any tariff law which is a bread and butter matter in every home has to be acceptable to the voters. To the House the best advice of Republican strategists with an eye to the next election should be, "Think fast, dictators; think fast."

[Applause.]

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAWLEY. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. HAWLEY: Page 126, strike out all of line 3.

Mr. HAWLEY. Mr. Chairman, in the amendment offered yesterday, that was not read or was omitted. It seems that it leaves in the bill, unless this is done, the repetition of a line. This strikes out the extra line.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. HADLEY. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Washington offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. HADLEY: Page 27, line 17, strike out "20" and insert "25."

Mr. HADLEY. Mr. Chairman, the effect of this amendment is to increase the ad valorem rate from 20 to 25 per cent on bone char or bone black and blood char. The committee decided that the rate should be increased on account of existing competition. We have information of the building of a foreign factory which will increase the present competition.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. WATSON. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. WATSON: Page 35, line 17, after the word "pound," insert "2 cents per pound and."

Mr. WATSON. Mr. Chairman, this is an increased rate of 2 cents a pound upon mica that has a greater value than 15 cents a pound.

Mr. CRISP. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Georgia rise?

Mr. CRISP. I rise to strike out the last word.

The CHAIRMAN. The gentleman from Georgia is recognized for five minutes.

Mr. CRISP. Mr. Chairman, I do this for the purpose of asking the gentleman from Pennsylvania a question. The committee has recommended increases on several of the minerals. There are great quantities of manganese produced in all parts of the United States, and I understand quite a number of Republican Members of Congress have petitioned the committee to change the duties on manganese by reducing the per cent of ore that will become dutiable. Has the majority of the Committee on Ways and Means considered the question as to whether or not they would change the duties on manganese?

Mr. WATSON. That commodity was considered but no action was taken upon it.

Mr. CRISP. They gave them a sympathetic hearing and stopped there.

Mr. WATSON. As no action has been taken upon it, the gentleman may conclude what that means.

Mr. WINGO. Mr. Chairman, I move to strike out the last two words. The gentleman from Georgia is known not only for his high character but for his great optimism. If he ever expected the manganese people of the West and the South to get any relief in this bill he really was more optimistic than I thought.

Mr. CRISP. Will my colleague yield?

Mr. WINGO. Yes.

Mr. CRISP. When I used the word "sympathetic" I was speaking ironically. I did not expect anything to be done, because I know the great consumer of manganese.

Mr. WINGO. When the manganese producers in the South and the West, with whom I have been thrown in contact a great deal on account of the war minerals bill and subsequent acts,

came to me and asked my help I told them there was no use in wasting their time and patience in presenting their case to the Republican members of the committee. I told them there were two reasons why they were not going to get protection. They asked me the two reasons. I said they are the United States Steel and the Bethlehem Steel. Those are the only two reasons.

You have had a great deal of flurry around here among Members interested in manganese. You have had a committee organized from among the Republican Members from the Western States. You have had a "sympathetic" hearing by the Republican members of the committee, who "strung" you along until to-day; but it was always a safe bet that sympathy was all that group was going to get. On that manganese committee was my good friend Judge WILLIAMSON and, I believe, Mr. LEAVITT. Were you not on that commitee?

Mr. LEAVITT. I was.

Mr. WINGO. Who was the other member of that triumvirate?

Mr. CRISP. Mr. ARENTZ, of Nevada.

Mr. WINGO. I am very fond of those gentlemen. They were about as credulous as the gentleman from Georgia. They felt they were going to get some relief, but there never has been an hour when the Republican organization that dominates and controls this bill intended to grant that relief. They have been playing you along, laughing in their sleeves at your credulity. They never intended to permit such Toms, Dicks, and Harrys as the gentleman from Montana [Mr. LEAVITT], the gentleman from Nevada [Mr. ARENTZ], and the gentleman from South Dakota [Mr. WILLIAMSON] to interfere with the Steel Trust, with the Bethlehem Steel, and this gang from Pennsylvania. Why, I am surprised that these old and experienced stage horses were fooled into believing they were going to get a chance even to consider such an amendment.

Mr. ESTEP. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. ESTEP. I just wondered whether the gentleman was trying to be humorous when he used that appellation in connection with the gang from Pennsylvania?

Mr. WINGO. No; I was not humorous; I intended to be complimentary. I am somewhat of a gangster myself, and I have great respect for the gang from Pennsylvania, which absolutely holds the Republican Party in the hollow of its hand. Why, you would not even let the Republican Members of this House consider this bill in the Republican caucus. You hog-tied them, and the only thing you would let them consider was: Will you agree to vote for this gag rule? Gentlemen talk about invading the constitutional prerogatives of the House. Do not let any man suggest that who sat in that Republican caucus, and, like a young jay bird in his nest, permitted them to ram that rule down your throats. Do not you ever get up and complain about any invasion of the constitutional prerogatives of the House. You have surrendered them by the adoption of the gag rule under which you are making a pretense of considering this bill.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. Mr. Chairman, may I have five minutes more?

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. WINGO. I read in this morning's paper about a speech of a member of the Cabinet from Massachusetts, Secretary Adams. He shows he understands the real spirit of the Republican Party. At a banquet in Boston last night he expressed indignation that Toms, Dicks, and Harrys in the Republican Party, even over in the Senate, should dare to question the edicts of the Executive. Of course, according to his view, the "king can do no wrong," and these Toms, Dicks, and Harrys, these "Bolshevists" he referred to in the Senate, who dared to do their own thinking, deserved censure, and, of course, the only thing that saves you Republican Members of the House from castigation at the hands of this member of the Cabinet is that you sat with folded arms in the caucus and agreed to follow orders and surrendered your constitutional rights and duties on this tariff bill. If you had come in and said, "We are charged with the responsibility and as a majority of the Republican Members in a caucus we have agreed upon a tariff," you would have had some argument; but, no, that is not what you did. The gentleman from Chicago [Mr. CHINDBLOM] the other day boasted that they did not let you consider one single item of this bill in your caucus. The only question you Republicans considered there was, "Will you surrender your constitutional prerogative, which is to frame revenue bills, to the amiable Republican gentlemen on the Ways and Means Committee, dominated by two very shrewd gentlemen from Pennsylvania, two from New York, and one each from New Jersey, Massachusetts, and Ohio, as shrewd gentlemen as this House has ever had; charming gentlemen personally, and I am very fond of them personally, but politically, gentlemen, they are the meanest crew that ever scuttled a constitutional ship or cut a constitutional throat. [Laughter and applause.] And I repeat, and I say it with kindly affection, do not any of you Republican gentlemen go back to your farmers and say, "I would like to have done so-and-so, but under the rule I could not." God bless your sweet souls, you voted for that rule with open eyes; you surrendered not only your prerogatives and your rights, but you surrendered your constitutional duty on this bill when you agreed to be hog tied and delivered hand and foot to the majority members of the Ways and Means Committee. They alone being given and you denied the right of amendment. You agreed by your vote not to even permit a separate vote in the House on any amendment.

I am glad this farce is going to end at 3 o'clock. The bill is going to be rewritten, as this Cabinet member from Massachusetts, Secretary Adams, boasted last night. Instead of being written by this House, as the Constitution provides, it will be written in fact in the Senate and in conference, and the time to learn what you are getting will be next fall when the conference report comes in and you will have to vote it up or vote it down, and do not squeal then. You missed your opportunity to have any consideration of this bill in the House when you voted for the gag rule which will bring you to a vote at 3 o'clock under the leadership of the distinguished gentleman who sits in the chair [Mr. SNELL], of whom the gentleman from Massachusetts who made this speech in Boston last night, evidently, had never heard. He thought only of the distinguished gentleman who regularly presides over us, the gentleman from Ohio [Mr. LONGWORTH]. I congratulate the gentleman from Ohio, our distinguished Speaker, that the administration recognizes the fact that they have at least got to deal with him, that under his leadership the Speakership once more is clothed with and exercises power. This was the only gratifying thing that I read in this speech of the gentleman from Massachusetts who is a member of the Cabinet.

We are fond of the Speaker. We are all fond of the chairman of the Committee on Rules. We are fond of the Ways and Means Committee. What we think about you "lay" Members on the Republican side, to whom TILSON refers contemptuously as Dicks, Toms, and Harrys, who, as I said before, sit meekly and beggingly in the Republican nest, the Republic caucus, like a bunch of young jay birds and swallow whatever these leaders put down your throats—that is a different story. [Laughter and applause.] I will tell that story next session after the "honey" has completely "dripped out" of the Republican "honeymoon." [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

Mr. HAWLEY. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Oregon offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. HAWLEY:

Page 287, line 24, strike out "Board of General Appraisers" and insert in lieu thereof "Customs Court."

Page 296, lines 13 and 14, strike out "Board of General Appraisers or any member" and insert in lieu thereof "United States Customs Court or any division or judge."

Page 341, lines 13 and 14, strike out "Board of General Appraisers" and insert in lieu thereof "United States Customs Court."

Page 341, line 17, strike out "board" and insert in lieu thereof "court."

Page 352, lines 13 and 14, strike out "Board of General Appraisers" and insert in lieu thereof "United States Customs Court."

Page 352, line 24, strike out "Board of General Appraisers" and insert in lieu thereof "United States Customs Court."

Page 353, line 1, strike out "general appraisers" and insert in lieu thereof "judges."

Page 353, line 22, strike out "general appraiser" and insert in lieu thereof "judge."

Page 354, line 5, strike out "said board" and insert in lieu thereof "the United States Customs Court."

Page 354, lines 10 and 11, strike out "Board of General Appraisers" and insert in lieu thereof "United States Customs Court."

Page 354, lines 12 and 13, strike out "Board of General Appraisers to a board of three general appraisers" and insert in lieu thereof "court to a division of three judges."

Page 354, line 15, strike out "general appraiser" and insert in lieu thereof "single judge."

Page 354, lines 18 and 19, strike out "general appraiser or remand the case to the general appraiser" and insert in lieu thereof "single judge or remand the case to the single judge."

Page 354, lines 22 and 23, strike out "Board of General Appraisers" and insert in lieu thereof "United States Customs Court."

Page 355, lines 23 and 24, strike out "Board of General Appraisers" and insert in lieu thereof "United States Customs Court."

Page 360, lines 24 and 25, strike out "general appraisers, and boards of general appraisers" and insert in lieu thereof "and judges and divisions of the United States Customs Court."

Page 361, line 13, strike out "Board of General Appraisers" and insert in lieu thereof "United States Customs Court."

Page 361, lines 21 and 22, strike out "general appraiser, or a board of general appraisers, or a local" and insert in lieu thereof "judge of the United States Customs Court, or a division of such court, or an."

Page 362, lines 1 and 2, strike out "general appraiser, or a board of general appraisers" and insert in lieu thereof "judge of the United States Customs Court, or a division of such court."

Page 362, lines 5 and 6, strike out "general appraiser, or board of general appraisers, or local" and insert in lieu thereof "judge of the United States Customs Court, or division of such court, or."

Page 362, lines 14 and 15, strike out "a general appraiser, or the Board of General Appraisers" and insert in lieu thereof "the United States Customs Court, or a judge of such court."

Page 365, line 24, strike out "Board of General Appraisers" and insert in lieu thereof "United States Customs Court."

Page 367, line 2, strike out "Board of General Appraisers" and insert in lieu thereof "United States Customs Court."

Page 367, line 13, strike out "Board of General Appraisers" and insert in lieu thereof "United States Customs Court."

Page 368, lines 21 and 22, strike out "Board of General Appraisers" and insert in lieu thereof "United States Customs Court."

Page 369, line 20, strike out "Board of General Appraisers" and insert in lieu thereof "United States Customs Court."

Page 370, line 3, strike out "Board of General Appraisers" and insert in lieu thereof "United States Customs Court."

Page 370, line 5, strike out "Board of General Appraisers" and insert in lieu thereof "United States Customs Court."

Page 370, line 19, strike out "Board of General Appraisers" and insert in lieu thereof "United States Customs Court."

Page 370, line 21, strike out "Board of General Appraisers" and insert in lieu thereof "United States Customs Court."

Page 370, line 24, strike out "Board of General Appraisers" and insert in lieu thereof "United States Customs Court."

Page 371, lines 8 and 9, strike out "general appraiser or the Board of General Appraisers" and insert in lieu thereof "United States Customs Court or any judge or division thereof."

Page 371, line 12, strike out "Board of General Appraisers" and insert in lieu thereof "United States Customs Court."

Page 371, line 16, strike out "board" and insert in lieu thereof "court."

Page 371, line 22, strike out "board" and insert in lieu thereof "court."

Page 372, line 1, strike out "said board" and insert in lieu thereof "the United States Customs Court."

Page 372, line 2, strike out "in said court."

Pages 372 to 375, inclusive, strike out all of section 518 and insert in lieu thereof the following:

"SEC. 518. UNITED STATES CUSTOMS COURT.

"The United States Customs Court shall continue as now constituted, except that the chief justice and the associate justices of such court now in office and their successors shall hereafter be known as the judges of such court. All vacancies in such court shall be filled by appointment by the President, by and with the advice and consent of the Senate. Not more than five of the judges of such court shall be appointed from the same political party, and each of such judges shall receive a salary of $10,000 a year. They shall not engage in any other business, vocation, or employment, and shall hold their office during good behavior. The offices of such court shall be at the port of New York. The court and each judge thereof shall have and possess all the powers of a district court of the United States for preserving order, compelling the attendance of witnesses and the production of evidence, and in punishing for contempt. The court shall have power to establish from time to time such rules of evidence, practice, and procedure not inconsistent with law as may be deemed necessary for the conduct of its proceedings, in securing uniformity in its decisions and in the proceedings and decisions of the judges thereof, and for the production, care, and custody of samples and of the records of such court. Under such rules as the United States Customs Court may prescribe, and in its discretion, the court may permit the amendment of a protest, appeal, or application for review. One of the judges of such court, designated for that purpose by the President of the United States, shall act as presiding judge, and in his absence the judge then present who is senior as to the date of his commission shall act as presiding judge; and until any such designation is made the chief justice of the United States Customs Court now in office shall act as presiding judge. The presiding judge, or the acting presiding judge in his absence, shall have control of the fiscal affairs and of the clerical force of the court, making all recommendations for appointment, promotions, or otherwise affecting such clerical force; he may at any time before trial, under the rules of the court, assign or reassign any case for hearing or determination, or both, and shall designate a judge or division of three judges and such clerical assistants as may be necessary to proceed to any port within the jurisdiction of the United States for the purpose of hearing or of hearing and determining cases assigned for hearing at such port, and shall cause to be prepared and promulgated dockets therefor. Judges of the court, stenographic clerks, and Government counsel shall each be allowed and paid his necessary expenses of travel and his reasonable expenses, not to exceed $10 per day in the case of the judges of the court and Government counsel and $8 per day in the case of stenographic clerks, actually incurred for maintenance while absent from New York on official business. The judges of said court shall be divided into three divisions of three judges each for the purpose of hearing and deciding appeals for the review of reappraisements of merchandise and of hearing and deciding protests against decisions of collectors. A division of three judges or a single judge shall have power to order an analysis of imported merchandise and reports thereon by laboratories or bureaus of the United States. The presiding judge shall assign three judges to each of said divisions and shall designate one of such three judges to preside. The presiding judge of the court shall be competent to sit as a judge of any division or to assign one or two other judges to any of such divisions in the absence or disability of any one or two judges of such division. A majority of the judges of any division shall have full power to bear and decide all cases and questions arising therein or assigned thereto. A division of the court deciding a case or a single judge deciding an appeal for a reappraisement may, upon the motion of either party made within 30 days next after such decision, grant a rehearing or retrial of such case when in the opinion of such division or single judge the ends of justice so require.

"The judges of the United States Customs Court are hereby exempted from so much of section 1790 of the Revised Statutes as relates to their salaries.

"When any judge of the United States Customs Court resigns his office, after having held a commission as judge or justice of such court or member of the Board of General Appraisers at least 10 years continuously, or otherwise, and having attained the age of 70 years, he shall, during the residue of his natural life, receive the salary which is payable to a judge of such court at the time of his resignation. Any such judge, who is qualified to resign under the foregoing provisions, may retire, upon the salary of which he is then in receipt, from regular active service as a judge of such court and upon such retirement the President may appoint a successor; but such retired judge, may, with his consent, be assigned by the presiding judge of such court to serve upon such court, and while so serving shall have all the powers of a judge of such court."

Page 375, lines 19 and 20, strike out "Board of General Appraisers" and insert in lieu thereof "Customs Court."

Page 375, line 21, strike out "general appraisers" and insert in lieu thereof "United States Customs Court."

Page 375, line 23, strike out "said Board of General Appraisers" and insert in lieu thereof "court."

Page 376, line 3, strike out "Board of General Appraisers" and insert in lieu thereof "court."

Page 376, line 5, strike out "such board" and insert in lieu thereof "the court."

Page 376, line 6, strike out "board" and insert in lieu thereof "court."

Page 395, lines 11 and 12, strike out "Board of General Appraisers" and insert in lieu thereof "court."

Page 423, lines 24 and 25, strike out "member of the Board of United States General Appraisers" and insert in lieu thereof "judge of the United States Customs Court."

Page 431, line 21, after the semicolon, insert "and."

Page 431, line 24, strike out the semicolon and the word "and" and insert in lieu thereof a period.

Page 432, strike out lines 1 to 4, inclusive.

Mr. HAWLEY. Mr. Chairman, this body was originally created as the Board of General Appraisers. But owing to difficulties in the administration work, especially in obtaining information from abroad, in 1926 Congress changed the title from the Board of General Appraisers to United States Customs Court. The bill as originally reported to the House reinstated the original provisions and denominated the body as a Board of General Appraisers.

But upon further reconsideration and examination of the situation, ascertaining the difficulties that this restoration to the former language would entail, we have concluded to report this amendment.

Mr. DYER. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. DYER. What else does the amendment do besides placing this back as the Customs Court? Does it make any other change?

Mr. HAWLEY. I was coming to that. The tenure of office fixed in the bill is during good behavior. That is the usual phraseology. It is accorded to the tenure of office in the United States Court of Customs and Patent Appeals, which was agreed to in the amendment agreed to last night.

The titles of these members heretofore has been chief justice and associate justices. We have suggested that they be called presiding judge and judges. The salary remains the same, at $10,000 a year. Under the existing law they are privileged to resign but not to retire. The members of the court themselves said that they would be very glad to retire, subject to call by the presiding judge for service whenever their services might be needed in any part of the country. If they resign, as it is their privilege to do now, they would continue to draw their salaries but do no service. Under this rearrangement they may retire, draw the same salary, but be subject to call for service whenever they are needed.

This body does an immense amount of work. Its chief office is in New York City. They are divided up into subdivisions of three judges each to hear cases coming before them. Each judge is assigned to travel throughout the United States from time to time and to hold hearings at all principal ports of the country, so that those who have cases to be heard need not take them to New York to be heard but can have them heard in their immediate locality.

They dispose of thousands of cases every year. They handle and dispose of cases involving hundreds of millions of revenue. They are very prompt in their decisions, very active in their work, and the committee upon final consideration thought that they were entitled to the title of judges instead of that of appraisers, and that the court should be made a court so that their processes might be recognized abroad—that the processes of the court would be recognized where those of the Board of Appraisers would not be recognized.

Mr. GARNER. Will the gentleman yield for a question?

Mr. HAWLEY. I yield.

Mr. GARNER. They do settle a great many cases; they settle them promptly and they are current with their business. That is to be commended. Does the gentleman think they will have many cases under the proposed law?

Mr. HAWLEY. There are some 200,000 cases now that will come before them.

Mr. GARNER. That was not the question that I asked the gentleman. Does the gentleman think there will be many cases arise under the proposed law?

Mr. HAWLEY. I do.

Mr. GARNER. On what problems?

Mr. HAWLEY. In connection with the matter of interpretation of the law, of the assessment of duties, and on other grounds.

Mr. GARNER. But that is for the Treasury Department.

Mr. HAWLEY. No; only the basis of valuation.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. GARNER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARNER. Is it not a fact that 80 per cent of the cases at the present time pending before that court are on the matter of the basis of valuation? That is the point at issue.

Mr. HAWLEY. The figure given me is about 30 per cent.

Mr. GARNER. It is above 80 per cent, but at any rate, let that matter go. What were the reasons given in the original instance for discontinuing the court and taking it back to the Board of Appraisers?

Mr. HAWLEY. That was the opinion of the majority of the Members that framed the bill. At that time it was thought it would be advisable to restore them to their original status.

Mr. GARNER. I did not ask the gentleman what the opinion was; I asked the reason for the opinion.

Mr. HAWLEY. The gentleman will have to inquire of the gentlemen themselves for the reason. I am not disclosing what happened.

Mr. CROWTHER. Mr. Chairman, ladies and gentlemen of the committee, I do not think the statement made by one of my colleagues a day or two ago was exactly justified. I refer to the charge made by the gentleman from Iowa [Mr. RAMSEYER] that the change of name of this court was the result of animus on the part of the committee. I listened very attentively through all of the arguments made by the leading legal lights on our committee, and most of them are able lawyers. I must admit that it is hard for me to follow them, for legal nomenclature is difficult for the ordinary layman to understand. It is generally "over our heads." They presented reasons as to why the name of this court ought not to be changed. I supported the change in the first instance, but I was very glad to vote against it with the majority when its reconsideration was taken up before the committee. I did think, however, that the title of chief justice and justices should be changed, as they now are in the amendment, to presiding judge and judges.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. CROWTHER. Yes; I am very glad to yield to my distinguished friend from Illinois, who is one of the able lawyers I have just referred to.

Mr. CHINDBLOM. The gentleman has referred to what occurred in the committee. I understood him to say that the lawyers upon the committee assigned reasons for the change back to the title Board of General Appraisers.

Mr. CROWTHER. No; I said that after the argument had been presented by both sides I was quite ready to be guided by the wisdom of men who knew more about the subject than I did.

Mr. CHINDBLOM. The gentleman did not mean to say that the lawyers in the first instance advised the change?

Mr. CROWTHER. No; I do not think so. One would not naturally expect them to do that. Mr. Chairman, this is a splendid court, as the chairman of the committee has said. It has done a tremendous amount of work in the past and has a tremendous amount of work yet to do. The gentleman from Texas [Mr. GARNER] just asked the chairman if he thought they would have much to do under this law now in process of revision. Of course they will. No matter how hard you try to write proper language in this bill or any other bill, errors will be made in the interpretation of the intent of Congress by those who are in charge of its administration as the months roll on. I remember when we were revising one of the tax bills about three years ago, when Doctor Adams, of Yale, was here, and somebody said, "Now, with men as brilliant as Doctor Adams here, and several other of these experts, it would seem as though the committee ought to be able to get this bill absolutely correct." Doctor Adams then said to me:

> If I were ten times as smart as you think I am, and all the rest of the committee were just as smart, when we got through there would still be some holes in this bill that some lawyer would be able to drive a horse and team through.

I think that is the history of all such matters. I talked with Mr. Nevius, in the Bureau of Customs, when writing this bill. He has been in the service a great many years. He told me that he sat at the right hand of Mr. Underwood when the Underwood bill was being written, and he said that late lamented, splendid citizen, statesman, and leader said to him:

> Have we this language correct? Do you think we have it so that these customs lawyers can not drive any holes through it?

Mr. Nevius said:

> I don't think we have, although it is as perfect as I know how to write it.

And then Mr. Nevius said to me:

> I just want to show you the volumes of records of litigation that came about during the period of the Underwood-Simmons bill.

And he pointed them out to me in the bookcases. I imagine that the intellect and ability on each of those committees were fairly well matched. In the Underwood bill they evidently made as many mistakes in language as we will make in this, or at least wrote language that was capable of being misinterpreted as to the intent of Congress by these customs and appeals courts. I imagine that condition will always prevail.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CROWTHER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. CELLER. Will the gentleman explain to the membership why the right of appeal on the question of method of appraisal was taken from this court which the gentleman says has done such splendid work and lodged in the Secretary of the Treasury? Why was the appeal made administrative rather

than to leave it where it always was, as a judicial matter for the court to determine?

Mr. CROWTHER. I can not answer that question from a legal standpoint. I know it was done, and I think that power should rest with the Treasury. That is my opinion, and I am more convinced of it than ever, because all the protests regarding it that I have received have come from the importers.

I am quite certain that the principle involved is correct, when the protests all come from that source.

Mr. CELLER. Of course, the gentleman will perceive that if there is such an appeal a gentleman from Washington or a gentleman from Florida must come all the way to Washington to prosecute his appeal, whereas if these judges are on circuit, as the chairman of the committee has said, they will get their appeal near to their place of business. Do you not think that is rather unfair to make a man come to Washington?

Mr. CROWTHER. The statement I have made in reply is my answer. The gentleman from Arkansas [Mr. WINGO] has just scolded my side of the House because, as he said, we had "gagged" ourselves by the adoption of a rule for the consideration of this bill. He referred to a statement made by some gentleman in Boston to the effect that this bill will be rewritten in the Senate. The constitutional right of the Senate to amend makes that possible, and there is no doubt but what many changes will be made by that distinguished body. There is nothing new or startling in that statement. Certainly we gagged ourselves by adopting this rule. We admit it. But that is the only way to expedite the consideration of a bill of this character. As the gentleman from Minnesota said the other day, two wrongs do not make a right.

But you folks on that side have done the same thing, although your opportunities have been few and far between. You have done so in the past, and you will again in the future. You have been able to bind your Members in caucus and make them stand up and take their medicine. I am an old-fashioned believer in the caucus. I like conferences; of course, they are mighty helpful in ironing out disagreements as to policy. When the Underwood bill was considered you Democrats went into your caucus and when you came out you were pledged to vote against any amendment offered by anyone other than your own committee members.

Do not let us quarrel about procedure in the consideration of the tariff bill. The committee has worked diligently.

I want to pay my compliments to the chairman of the committee [Mr. HAWLEY] for his untiring zeal, his tireless energy, and tact. We have 15 Members on the committee, all active and at times belligerent. Our chairman has presided with dignity and fairness to us all, and he deserves the appreciation of this body.

Now, we are soon to have a vote, and I realize that it is going to put some of you Democrats in a predicament. The motion to recommit will be your last chance to "wriggle." Then comes the vote on the bill, and some of you are in a "hell of a fix" just at this moment as to whether you will vote for the bill or not. [Laughter.]

I despair of getting any final roll call on the Raskob telegram, but once more I will ask all gentlemen who answered the Raskob telegram to stand up.

Mr. CANFIELD rose.

Mr. CROWTHER. Only one! And we were given to understand that 90 per cent had answered the message.

Mr. BYRNS. Will the gentleman yield?

Mr. CROWTHER. I yield to the gentleman.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GRAHAM rose.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. GRAHAM. Mr. Chairman, I only desire to say a word or two with reference to this amendment. When the report of the committee came out, this change in the name of the appraisers or judges was observed, and the matter was called to the attention of the committee. An amendment was suggested by me that would change the section and restore the status of the court and put its proceedings in that section under existing law. A simple amendment was suggested; but an examination by the committee in their careful way showed that that would not have accomplished the results desired. And so, with great pains and great care, the committee has gone through the entire bill and made the restoration of the customs judges conform with the other provisions in the bill.

I wish to express my appreciation of the magnanimity and work of this committee in reaching this result. It is right. The House of Representatives on several occasions has ratified the title of these gentlemen as judges. First the decision of our courts decided that their work was judicial, and said that they were courts in the fullest and truest sense of that word; I mean legislative courts, not courts under the third section of the Constitution, or constitutional courts.

As early as 1924 one of our Members, now deceased, from New York, Mr. Royal C. Weller, introduced a bill to give to the board of appraisers the title of court, and providing that the members of it be treated as judges. Hearings were held in the Committee on the Judiciary, and a report favorable to such a change was made. That bill was not passed, simply because it was not reached in its course upon the calendar.

In 1926 the Committee on Ways and Means reported out a bill favoring such a change in nomenclature as this. That was passed by this House. When the salary bill came to be considered before the House they were named in that bill as appraisers, and it required a joint resolution to be passed in order to make the wording of the salary bill conform to what had been recognized as the title and status of these gentlemen. So that the House has consistently recognized and the Committee on Ways and Means also has recognized the judicial character of the work which these men perform.

I was loath to see a change made in this, because it would take away certain results which were beneficial to the board by extending their power; for instance, by having them recognized in the case of letters rogatory by the courts of foreign countries. Before that they were not recognized by the foreign courts, but when they received the title and dignity of a court their work was recognized in foreign lands.

I appreciate the care and pains with which this amendment has been prepared, and after a hasty reading of it this morning I find that with two or three exceptions, named by the chairman of the committee, this proposes to restore the old law and brings these gentlemen into the possession of a title which they deserve and which they should carry as judges of the Customs Court. [Applause.]

Mr. CRISP. Mr. Chairman, I am very much gratified that this amendment has been offered and expect to sincerely support it. This is another correction that the majority has seen fit to make in order to meet some of the criticisms I made against the bill on the 15th of May. I regret, however, that my colleagues did not go further and change section (b) of paragraph 402. If this amendment is adopted, which it will be, the bill will still confer upon the Secretary of the Treasury the final decision as to the valuation of merchandise and the importers of merchandise will be denied the right to have a court pass on their rights as to the valuation of imports.

Mr. RAMSEYER. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. RAMSEYER. It is the basis of valuation that the appraiser passes on; that is, whether it has an export value, a foreign value, or a United States value.

Mr. CRISP. Absolutely.

Mr. RAMSEYER. The valuation itself, on the basis determined by the appraiser, may be taken to court. I agree with the gentleman in his position in regard to section (b) of paragraph 402, but the distinction should be made that the thing which is conferred upon the Secretary of the Treasury is the right to make a decision on the basis of valuation.

Mr. CRISP. I would not knowingly misstate a fact to this House, and I said valuation, whether it shall be foreign, United States, competitive, and so forth; but when you fix the valuation you have gone a long, long way toward fixing your duty. As to nearly all of the duties named in this bill, if you will change the value from foreign to American you can reduce your rates by 75 to 100 per cent and still have as much protection. There are many instances where a duty of 100 per cent based on the foreign valuation would not give as much protection as 20 per cent will on American valuation; but as to the valuation the Secretary of the Treasury is final. I am informed there are approximately 2,000 cases pending in the Customs Court involving this very question which under this bill in the future the court will have no right to review. I do not believe that fair. I do not believe that consonant with American jurisprudence or American rights. I believe every man has a right to his day in court on both questions of law and fact. But I am glad my colleagues have seen fit to present this amendment and do justice to the splendid gentlemen who are on the Customs Court.

Now, may I say in conclusion, I am neither a prophet nor the son of one, but I told my new colleagues in the speech I had the honor to make on this floor on the 15th of May, that as soon as the Republicans in their conference had tied up a sufficient number to function that the steam roller would work, and that you would come in with a rule, and that the membership of the House would be denied even the privilege of offering amendments on the floor to the different sections of this bill in order to protect and look after the welfare and interest of their con-

stituents. What has happened? You have the rule, and the rule provides that amendments can be offered by the Ways and Means Committee to any section of the bill, and it provides that at 3 o'clock to-day the committee shall rise and the bill shall pass. My astute and splendid friends who have charge of this have seen to it that the amendments offered by the Committee on Ways and Means have consumed the time until the clock reaches 3. There is just an hour and 20 minutes left. No other sections of the bill will be read, and the entire membership of the House will be given no opportunity to offer amendments. I am not complaining. I am somewhat like Doctor CROWTHER. I am a party man, and I believe the country judges us not by the method in which we pass legislation but as to the result of the legislation itself. [Applause.] The effect of adopting the rule, however, takes away from the Members of the House their rights as Members of this body. The Republicans have a majority of 104, and I think they have a right to work their will and then let the country judge them. And I think this bill will be condemned by the American people.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. CRISP. Mr. Chairman, I ask unanimous consent to proceed for one additional minute.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed for one additional minute. Is there objection?

There was no objection.

Mr. CRISP. I have served under several chairmen of the Ways and Means Committee, and I take pleasure in saying that I have never served under one who was more courteous, more kind, more industrious, and fairer than the gentleman from Oregon [Mr. HAWLEY]. [Applause.] I approve every kind thing that has been said about him on both sides of the House. I can say to him that personally every Democratic member of the Ways and Means Committee has a genuine affection for him. [Applause.]

Mr. CHINDBLOM. Mr. Chairman, I am greatly pleased that I have an opportunity to rise in support of the pending amendment with reference to the status of the United States Customs Court. I regretted exceedingly the proposal in the bill as originally reported. I have no fault whatever to find with my colleagues who joined in making that proposal, but I am happy to say that upon reconsideration we had unanimity in the proposal which comes to us to-day.

The United States Customs Court has functions and passes upon matters out of the ordinary jurisdiction and practice of the courts of the land, and it is not surprising that there may have been differences of opinion as to the proper name and the proper status to be given to that body. However, when the action of the Supreme Court came in the Bakelite case, which brought forcibly to our attention the status of the United States Court of Customs and Patent Appeals, we saw more clearly, I think, the relationship and the comparability of the two establishments, the one which hears these cases in the first instance and the one which hears them upon appeal or review.

In the present amendment we have done more than merely restore the name of the United States Customs Court, and I am greatly pleased that this action has been taken. For instance, they now have the same tenure of office, in hæc verba, as the Court of Customs and Patent Appeals, as the courts of the District of Columbia, as the Territorial courts; as, in fact, all the legislative courts created by the Congress.

Secondly, the proposal before us now provides for amendments which may be permitted to pleadings in the nature of protests and appeals and applications for review pending before the court. There was some doubt as to the authority of the court to grant such opportunities for amending these forms of pleadings, such as they are, that are used before the customs court.

Thirdly, the present proposal provides for the retirement of these judges at the conclusion of their service of not less than 10 years and upon their attainment of the age of 70 years in the same manner as other judges of Federal courts.

Under the law as it now exists the judges of the Customs Court have the opportunity to resign at the time fixed but not to retire, and the distinction is that under the law as it exists a judge who retires may be called back into service if and while he is willing to serve. In this way the Government and the people may get the benefit of the services of these judges while they are drawing retirement pay without being definitely obligated to serve permanently in the court.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CHINDBLOM. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HAWLEY and Mr. CELLER rose.

Mr. HAWLEY. Will the gentleman yield to me for a moment?

Mr. CHINDBLOM. Yes.

Mr. HAWLEY. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 10 minutes.

Mr. CELLER. I would like to have five minutes.

Mr. HAWLEY. I have no objection to that.

Mr. CELLER. Does the Chair understand that I am to have five minutes?

The CHAIRMAN. It is within the discretion of the Chair. Of course, if that is the understanding, the Chair will be glad to abide by the understanding.

The question is on the motion of the gentleman from Oregon.

The motion was agreed to.

Mr. CHINDBLOM. I want to say a further word about the United States Customs Court. During the preparation of this bill I spent two days in New York in the new Appraisers Stores Building, which the Government has recently erected there and in which quarters are provided for the judges of the United States Customs Court. I recommend to Members of the House who happen to be in New York and who happen to have a few hours at their disposal that they go to this building and familiarize themselves with the work of the appraisers generally and of the United States Customs Court particularly. You will find there large assortments of merchandise admitted from abroad being examined for the purpose of assessing the tariff duties upon the different articles. You will enjoy to learn something about the methods which are pursued. You will be interested in the chemical laboratory. You will be interested in the methods of testing and classifying the various things that are imported from abroad. You will be interested in noting the complete, harmonious cooperation of all the departments in that very large establishment, because the examination of foreign merchandise and the determination of duties to be placed thereupon is a gigantic undertaking, and I presume to say that, notwithstanding the withdrawal of some jurisdiction from the United States Customs Court, this court will have plenty of work to do even with the jurisdiction which remains.

I want to say one or two words about paragraph 402 (b). This section was not of my making, and I am not expressing any personal views upon it, but there has been some misunderstanding as to its exact purport and effect.

It provides, first, that when an appraiser is unable satisfactorily to ascertain either the foreign value or the export value, then he may employ the United States value.

The United States value is the selling price in the United States of the article less the duty upon it and what we call the c. i. f.—that is, cost, insurance, and freight. All the necessary costs in bringing the article to this market from the foreign market are determined and these items are deducted from the American selling price to determine the United States value. If the owner of the merchandise is dissatisfied, he may take an appeal to the Secretary of the Treasury, and the decision of the Secretary of the Treasury is final. Members of the House will notice that the action of the Secretary is only upon a particular importation—it is not upon a class of goods. When the importer or owner of foreign merchandise has been subjected to the decision of the Secretary of the Treasury as to the existence of the foreign and the export value and the ascertainment of the United States value, thereafter the importer or owner will be careful to see that the foreign value of the export is furnished. It is always in the power of the importer of merchandise to furnish the foreign value. He can give the price at which the goods were purchased and the price at which the goods were sold abroad. That information is within his own breast if he chooses to disclose it.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CELLER. Mr. Chairman, I am very much interested in the Customs Court. You have just heard mention of the Bakelite case recently decided by the Supreme Court. My law partner, Mr. Kraushaar, represented the respondents in that case, and his contention prevailed. The main points in his brief were adopted in part as the opinion of the court. You have heard numerous gentlemen concede that the Customs Court is a court which enjoys the greatest confidence. Its praises have been sung. But the Committee on Ways and Means hardly squares its action with that praise.

Just see what they do by section 402. You draw all the teeth out of this court. You take away practically all of its jurisdiction, because section 402 provides that if the appraiser can not determine the foreign or export value he shall have a right to determine the United States value or in lieu thereof may determine the cost of production value or in lieu of that the American selling price. In other words, there are several different methods of valuation open to the appraiser. Heretofore in all appeals the importer was given the right of appeal from the decision of the appraiser—not only as to the amount of the duty but as to the method of appraisement or valuation.

Now, the latter appeal is foreclosed to him by section 402, because his only right of appeal is as to the amount of the duty. If he feels aggrieved and says to the appraiser, "You are using the wrong method"—if he says, "I am entitled to the foreign valuation," and the appraiser says, "No; you must take the United States valuation"—he can not appeal to the Customs Court. If the appraiser says, for instance, the United States value is $200 and that he will select United States value and the owner says the foreign valuation is $100 and is the proper one and the rate is 10 per cent the importer pays twice the duty. If he appeals, he can not go to the Court of Customs Appeals, this splendid court; he must appeal to the Secretary of the Treasury. In other words, the appeal, if made, is an administrative one, and an administrative appeal is a political one. It is not, as heretofore, judicial. He must come to Washington. Think of it! If you come here, you have to travel hundreds of miles. Heretofore the Customs Court has had judges going over different sections of the country. They would hear the cases all over the country in various cities conveniently located to the importers.

But there is no such thing now by virtue of section 402. Every man who feels aggrieved if he be an importer, and is aggrieved as to the method of valuation, must come to Washington, and he must pull political wires and strings to get any kind of remedy. For that reason I inveigh against this, but beyond that, this is not the first time an attempt was made in a tariff bill to put such a provision in it. I have before me a very interesting case, decided by the United States Supreme Court, United States against Passavant, decided in the October term, 1897, in an opinion written by Chief Justice Fuller. In that opinion the court held that a particular provision of the tariff act of 1890 was unconstitutional because it sought to do the very thing that you do in section 402, namely, deprive the importer of his right to appeal to the courts, as is his inherent right, where there is a question of the type or the mode or the method of valuation involved. If you are going to do anything for this court, if you are going to give it its proper dignity and name, if you are going to give the judges proper tenure of office—and you have done all this—then give them the proper powers; do not tear the powers from them and make the court valueless as a court; make as it were a book without words, a sheath without a sword, an empty shell. Your words of praise of the court are meaningless. They must of necessity and ought to fall upon deaf ears unless you endow the court with proper powers. No importer should be deprived of his right to appeal to the court as to valuation, and to an appeal not only as to the amount of duty but as to the method of appraising and of valuation. For that reason I do hope that there will be some amendment offered by the committee amendatory of section 402, so that there will be maintained in the proposed act, as there always has been maintained in previous tariff bills, the proper right of appeal on the part of the importer on these important questions.

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. HAWLEY. Mr. Chairman, I offer the following committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. HAWLEY: Page 256, after line 25, insert a new paragraph, as follows:

"No flour, manufactured in a bonded manufacturing warehouse from wheat imported after one year after the date of the enactment of this act, shall be withdrawn from such warehouse for exportation without payment of a duty on such imported wheat equal to any reduction in duty which by treaty will apply in respect of such flour in the country to which it is to be exported."

Page 262, line 1, strike out, beginning with the word "imported" down to and including the word "wheat" in line 4, and insert in lieu thereof the following: "wheat imported after one year after the date of the enactment of this act."

Mr. HUDSPETH. Mr. Chairman, I move to strike out the last word. There is no provision in this bill applying to wool that is brought here in bond, is there? If it is kept longer than a year under bond, do they have to pay a duty under this bill? Wool—millions of pounds are brought in in bond and held here, and it is held as a leverage over the domestic producer. Sometimes it is held for a year, and it tends, as it does at the present time, to bear down the price of domestic wool. If this provision applies to flour, why should it not apply to wool? The wool imported should pay a duty the moment it enters the warehouse.

Mr. HAWLEY. I do not get the purport of the gentleman's question.

Mr. HUDSPETH. The gentleman knows that wool is brought in here in bond and kept in the warehouses under bond for a year and two years—a large accumulation, many millions of pounds—and the buyer knows that that wool ultimately is going to be released and sold in competition with domestic production.

Mr. HAWLEY. I think the gentleman misunderstood the reading of the amendment. All this does in the matter of the 1-year provision is to postpone the operation of the proposed amendment for a year. It does not begin to operate until a year after the date of the act.

Mr. HUDSPETH. As I got the reading, it provides that flour manufactured from wheat that is brought in under bond after a year's time has to pay a duty.

Mr. HAWLEY. This provision of the law, if adopted, will not go into force for a year.

Mr. HASTINGS. Is that all that this amendment does?

Mr. HAWLEY. This amendment provides that imported wheat made into flour and exported to some country that gives our exporters a preferential duty shall pay a tariff rate on the imported wheat equal to the preference they get in the country to which they send it.

Mr. HUDSPETH. Then I think I understand the amendment. I do not see why it should not apply to wool as well that is brought in here under bond as flour made from imported wheat. I am in favor of wheat paying a duty and likewise wool.

Mr. HAWLEY. We have no other amendment like this to offer.

Mr. HUDSPETH. Then a similar amendment does not apply to wool? Well, the Republican committee should have brought in such amendment.

Mr. HAWLEY. No.

Mr. PATTERSON. Mr. Chairman, I move to strike out the last word. We have come now to the time of voting, and I have been here hour after hour and day after day, hoping that an amendment would be offered to take care of graphite. So far none of the committee has seen fit to offer any such amendment. I was hoping they would or let somebody else offer it. I hope we may get something on this later, in conference or in some other way. It is very important, and, as many gentlemen on both sides of the aisle recognize this is an important product, and the industry is in a serious condition at the present time, and I sincerely believe that if this House could give a few minutes to the discussion of this important product, and we were permitted to offer an amendment here giving a reasonable duty on graphite, I do not believe there would be more than a dozen votes against such a duty—not very many at the outside. I have not talked with a single person who did not recognize the need.

Mr. CLARKE of New York. Mr. Chairman, will the gentleman yield?

Mr. PATTERSON. Yes.

Mr. CLARKE of New York. I take it the gentleman is strongly in favor of the protective tariff.

Mr. PATTERSON. I am in favor of protecting American wage earners and American standards of living. I believe that conditions demands rates which will enable our wage earners to compete with foreign competition, but I believe that the workers in the raw product should be protected the same as those who work with the finished product, and I predict that we are coming more and more to that time.

Mr. CLARKE of New York. Then, we will expect the gentleman to support this bill.

Mr. PATTERSON. I am not committing myself to a vote for the bill, but I would vote for many of these paragraphs and schedules if I had an opportunity to do so, while there are many of them I could not support, and wish that we had a rule which would permit the consideration of each paragraph.

Mr. CLARKE of New York. We appreciate the gentleman's cooperation in that, and we say to him that if he is for a

protective policy, he should apply it generally to the United States, and not locally.

Mr. PATTERSON. I think I can agree that I am not interested in just one section. I believe that an examination of my votes on the amendments which have been submitted will reveal that I have not sought protection for my section only. I believe that I can assure the gentleman that I should be glad to do anything I could to help develop any section of the country where it did not levy an undue burden on other sections of the country.

I take pride in the prosperity of every State and wish to do all I can to promote this, but I believe the gentleman will admit that my section needs more protection than it has in this bill in order to put it on an economic parity with some other sections. I do not try to lay this fault in any person or set of persons, but I believe it exists, and if I can have an opportunity to vote for a bill which will protect farmers, workers, producers, and consumers and give the producers of the raw product the same protection that it affords the manufacturer, I shall be glad to vote for such a bill. To me these things are important and fundamental.

I rose to ask a few questions of some of you who wish to answer them. I was in hope that the gentleman from Iowa [Mr. RAMSEYER] would be here when I asked these questions, for I regard them important and I am honestly seeking information. There has been so much said here during this discussion about what we were doing for the farmer. We all know that the farmer's dollar has been worth just a little more than 80 cents, as compared with the dollar of manufacturing industries during the last eight years. How much is this bill going to raise the index of the farmer's dollar? I would like to have some gentleman answer that. No one answers.

There is another question I wanted the distinguished gentleman from New York [Mr. CROWTHER] to answer. Something has been said about American labor. It is important for us to protect American labor. How much is this bill going to raise the index standard of American labor? How much of the increased price caused by this bill is going into the pockets of the American laborer? I would like the gentleman to answer that question. How much will it raise the index standards of the producers and consumers? How much will it increase the balance of trade in favor of the United States as against foreign countries?

I am a new Member in Congress. I have sat here and listened and tried to find out all I could about this. I am interested in these questions. I do not pose as a free-trader, but wish to see all done for our country possible, if we can do it without putting burdens on the consumer, and protect all alike.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. PATTERSON. Yes.

Mr. SCHAFER of Wisconsin. I suggest that the new Member from Alabama vote for this bill and then he will see that it will materially help the farmer and the workingman. [Applause.]

Mr. PATTERSON. I hope it will do that. No one is more anxious to see the farmer, workingman, producer, and consumer generally helped than I. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. STRONG of Kansas. Mr. Chairman, I offer an amendment to the committee amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment to the committee amendment. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. STRONG of Kansas to the committee amendment: In the second line of the committee amendment, after the word "imported," strike out "one year" and insert "90 days."

Mr. STRONG of Kansas. Mr. Chairman and members of the committee, the amendment offered by the committee is for the purpose of correcting a wrong that has existed against the American miller and the American wheat grower. It is to overcome an injustice against the American miller who manufactures flour from American wheat.

Our Government in its treaty with Cuba has a preferential duty on American agricultural products and American manufactured products. In the case of flour at present prices the preferential duty is 35 cents a barrel.

Under the milling-in-bond clause of the present law and as carried in this bill wheat is brought in from Canada and milled in bond, and when the flour is shipped out of the country the miller does not have to pay any duty on the Canadian wheat so imported. But millers who bring in wheat from Canada and mill it in bond not only do not pay the duty on the Canadian wheat but when they export it to Cuba as flour they call it "American flour" and get a drawback of 35 cents a barrel under the Cuban tariff, thus beating the American wheat grower out of his tariff protection and the American miller who uses American wheat out of the preferential tariff our treaty with Cuba intended he should have.

The amendment of the committee still gives to the American miller using Canadian wheat the right to mill in bond, but provides that when the flour obtains a preferential duty as American flour an equal amount of duty shall be collected. And on behalf of the American wheat grower and the American miller using American wheat I thank them for their just action. But I want by my amendment to give such relief in 90 days instead of a year.

Mr. GARRETT. Mr. Chairman, will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. GARRETT. Does not the treaty provide for a certain number of cents per pound instead of 35 cents per barrel? Does it amount to 35 cents a barrel?

Mr. STRONG of Kansas. Yes. It now amounts to 35 cents a barrel.

Mr. BRIGGS. It is 99 per cent refund.

Mr. STRONG of Kansas. The 99 per cent refund is under the drawback clause. Under the milling-in-bond clause no duty is collected. The preferential duty we received from Cuba under our treaty amounts to about 8 cents a bushel on the wheat, or 35 cents a barrel on flour, at present prices.

Mr. CHINDBLOM. The differential is 20 per cent?

Mr. GARRETT. Yes. The differential is 20 per cent under the Cuban treaty.

Mr. STRONG of Kansas. What the American millers object to is that the millers sell the flour in Cuba made from Canada wheat get our tariff refund and also the differential of 20 per cent from the Cuban tariff.

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. LOZIER. Would not the committee amendment postpone the relief for a year, whereas the gentleman's amendment to the committee amendment would reduce the time to three months?

Mr. STRONG of Kansas. Yes. That is the purpose of my amendment. It is supposed that the importers of Canadian wheat who mill in bond have contracts which they wish to fulfill, and to protect such millers relief to American wheat growers is to be postponed for one year. But American wheat on the Chicago market on yesterday struck the lowest price it has known for 15 years, and I am appealing to you to pass my amendment—to strike out "one year" and insert "three months." So as to give us relief in three months instead of in a year. No one knows that such contracts exist, but they can fulfil any contracts they have with Cuba in three months from the date this bill goes into effect, which will give them at least four to six months and then, if my amendment passes, the American farmer and the miller who uses American wheat will be relieved of the unfair conditions that at present force him to come in competition in the Cuban market with flour made of Canadian wheat that comes in duty free.

I ask you to vote for this just amendment, that our wheat growers may have, within 90 days after the passage of this bill, the relief which under the committee amendment will be delayed for more than a year.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. DEMPSEY. Mr. Chairman, I want to clear up something that may be misunderstood from the speech of the gentleman from Kansas [Mr. STRONG]. From listening to the gentleman from Kansas you would naturally infer that this flour which is exported is entirely made from Canadian wheat, which, of course, is not the fact. In order to make an exportable wheat, in order to mill that wheat which is marketable in Cuba, it is necessary to bring in a certain small percentage of Canadian wheat, a very small percentage.

That has been done. It has amounted in the aggregate to a very small quantity. We had 875,000,000 bushels of wheat in this country in 1927, and we brought in from Canada in that year about 18,000,000 bushels. We have brought in in the last five years varying quantities between 11,000,000 bushels and 18,000,000 bushels, a tremendously small percentage.

Now, of course, in the milling of this flour American capital is employed and American labor is employed. The mills are located on the American side; the business is done here, and this country has the advantage, the prosperity, the growth, and the development which come from it. The question naturally arises: What will be the effect even of the committee amendment? Will you not drive these mills to Canada? Will you

not take away that much from American industry? Will you not go that far toward lessening prosperity and growth? Is it not a step backward instead of forward?

Buffalo, in the western part of the State of New York, has wrested the crown from Minneapolis, and is to-day the greatest milling center in the world. This export trade is built up and founded and dependent for its growth and continuance upon the fact that we must put in a certain amount, a limited quantity, of Canadian wheat. That is your general proposition. Now, let us come to the distinction between the amendment proposed by the committee and that proposed by the gentleman from Kansas. Of course, we are here on the floor without the benefit of the testimony given before the committee, and the gentleman from Kansas very glibly says that we can fill all the contracts which we have made in the period of three months. How does the gentleman know that? It is purely and wholly a gratuitous assumption. He has no evidence. He does not know what the testimony was before the committee, much less does he know what the facts are. There may be commitments extending for a year, and we are to assume that the committee fixed this time with reference to the evidence which was adduced before it and not with reference to the imagination of gentlemen upon the floor. So I say, if this amendment is to be adopted at all, it should be adopted for a time sufficient to enable these men to take care of their contracts, because they made their contracts upon the faith of the law as it is, upon the reliance that the statutes of the United States would be observed and that they had the right to make these contracts and perform them.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HAWLEY. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 10 minutes.

The motion was agreed to.

Mr. BURTNESS. Mr. Chairman, I would like the careful attention of the committee to this matter because it is of tremendous importance. The gentleman from New York [Mr. DEMPSEY] seems to have entirely failed to grasp what this amendment is, as indicated by his talk about some Canadian wheat being needed here in the United States for milling flour, or words to that effect. Certainly that has absolutely nothing to do with the committee amendment or with the amendment offered by the gentleman from Kansas [Mr. STRONG] to the committee amendment.

What is intended to be accomplished here? Simply this: To take away from Canadian wheat, ground into flour in bonded mills in the United States, the right to a 20 per cent differential when that flour is shipped to Cuba. When the United States and Cuba entered into a reciprocal tariff treaty, by which our goods or commodities could go to Cuba at lower rates and theirs, in turn, come to us at lower rates of duty, what was the purpose? The purpose was to give reciprocal advantages to American products and to Cuban products in our respective markets. There is no question about that. But what has happened as to wheat and flour? Simply this: In view of the fact that the treaty uses the words "the products of the soil or industry of the United States" the holding has been that when Canadian wheat comes to a bonded mill in the United States and that mill, in turn, ships out its flour, then because it has been produced in the United States it gets the right of entry into Cuba at a 20 per cent discount of duty, although every single pound of wheat that has gone into that flour may be of Canadian origin and has not paid one penny of duty in order to get into the United States. [Applause.]

Now, the only purpose of the committee amendment is to take that right away and to make the bonded mill substantially what it is intended to be in law, namely, a part of foreign territory located within the United States, with certain rights here to grind foreign wheat into flour to be exported all under bond, but does not give to the products of that bonded mill any more rights on exports to Cuba than the products of the mill would have if it were located on the other side of the St. Lawrence River or on the other side of the lake. In other words, it grinds Canadian wheat into flour within the United States and as such should not obtain the advantage intended for American wheat or flour therefrom by our treaty with Cuba. Only that is deprived by these amendments and no fair-minded person should object thereto.

Mr. PARKS. Will the gentleman yield?

Mr. BURTNESS. Not now for lack of time.

When it comes to the matter of the Strong amendment reducing from 1 year to 90 days the time when the amendment becomes effective, let us see what a year would mean. If relief is delayed for a year it means that for two crop seasons the Canadian wheat can come into this country and retain this unfair advantage, for there is not any person here on the floor to-day who believes this bill can actually be enacted into law until some time in September or October. What would a delay of one year after the enactment of the law then mean except that Canada would not only continue to have this advantage with reference to its 1929 crop, but would continue to have the advantage with reference to its 1930 crop. So, surely, there is no reason why the committee amendment should not be changed, at least, to the extent that Canada will not continue to have this advantage for the 1930 crop. If this bill becomes a law in September, the amendment ought to go into effect not more than 90 days later, which would be December, giving ample time to clear existing contracts.

Let me also emphasize these exportations have increased from the bonded mills of this country to Cuba year by year until now there are 3,000,000 bushels or more of Canadian wheat substituted for American wheat in the Cuban market. I mean substituted for American wheat that is entitled to this differential of 20 per cent in the Cuban market, and, surely, our American wheat is entitled to this advantage under general conditions, but even more so under such conditions as exist to-day when we have seen the wheat market in the last 60 days lowered at least 30 cents a bushel.

This will give a slight benefit to 3,000,000 bushels of our wheat crop and I hope the committee will first adopt the amendment of the gentleman from Kansas [Mr. STRONG], and then as so changed adopt the committee amendment.

Mr. HAWLEY and Mr. HENRY T. RAINEY rose.

Mr. HAWLEY. Mr. Chairman, I would like to be recognized for just a moment. I simply want to say that I hope the amendment of the gentleman from Kansas will not be agreed to.

Mr. STRONG of Kansas. Why? [Laughter.]

Mr. HENRY T. RAINEY. Mr. Chairman, I hope there is something in this committee amendment or in the proposed amendment to the committee amendment which will bring some measure of farm relief. This bill is supposed to protect us against cheap wheat from Canada, but yesterday wheat was selling in Winnipeg for $1.10.

Yesterday while we were discussing the question of farm relief—and this is a bill which, according to the President, is to provide first of all for farm relief—wheat in Chicago reached the lowest point it has reached in 15 years. It went below a dollar for the first time in 15 years, and right along with it corn and oats and rye reached new low levels.

Yesterday corn sold in Chicago for 82⅝ cents and a year ago, when we were not talking about farm relief at all it sold for $1.01⅝. Yesterday oats reached a new low level in Chicago of 43⅞ cents and a year ago, when we were not talking about farm relief and when a bill like this sword of Damocles was not hanging over the farmers, oats sold for 65 cents. Rye yesterday reached a new low of 84 cents, and a year ago it sold for $1.33½.

So we need some sort of farm relief, and it must be that the country is not convinced that the kind of farm relief you are giving them in this bill is the kind they ought to have. [Applause.]

Yesterday two issues of our Liberty bonds on the New York Stock Exchange reached new low levels, one of them selling for as low as 95.19. Everything went down on the New York Exchange when yesterday wheat went down on the Chicago Board of Trade. We now have six issues of bonds of the United States selling below par, selling below 100. Why, not long ago we thought that nothing was as good as a Government bond, that it could not sell for less than par, but yesterday, in sympathy with the downward movement in agricultural products—and hogs also went down yesterday on the Chicago market—United States bonds went down until six issues are selling for less than the holders paid for them when they took them from the Government of the United States.

To-day the bonds of Belgium are above par. Little Belgium, which suffered so terrifically during the war, has bonds which are selling for 108. Find some United States bonds selling now for 108 if you can. The highest I could find quoted in the papers to-day were selling for 106.

So this bill does not seem to be producing the effect it is intended to produce, and now, as we approach the hour for voting, I want to express my thanks to Mr. HAWLEY, the genial chairman of the Ways and Means Committee.

The CHAIRMAN. The time of the gentleman from Illinois has expired; all time has expired. The question is on the amendment to the committee amendment offered by the gentleman from Kansas [Mr. STRONG].

The question was taken; and on a division (demanded by Mr. DEMPSEY) there were—ayes 126, noes 104.

Mr. HAWLEY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. HAWLEY and Mr. STRONG of Kansas to act as tellers.

The committee again divided, and the tellers reported that there were—ayes 162, noes 101.

So the amendment to the committee amendment was agreed to.

Mr. BURTNESS. Mr. Chairman, I offer an amendment to the committee amendment simply to conform to the amendment just adopted.

The CHAIRMAN. The gentleman from North Dakota offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BURTNESS: In the committee amendment just agreed to and inserted on page 262, strike out "one year" and insert "90 days."

Mr. BURTNESS. Mr. Chairman, this is simply in conformity with the amendment just adopted and is a change that is needed to conform with the other amendment.

The amendment to the committee amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment as amended.

The committee amendment, as amended, was agreed to.

Mr. HAWLEY. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 314, line 23, strike out all preceding the word "Before"; page 315, beginning with line 18, strike out through line 3, on page 316.

Mr. HENRY T. RAINEY. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, the real reason why I obtained the floor at this time is to express my thanks, and I think I speak also for all the minority members of the Ways and Means Committee, to the competent and genial gentleman from Oregon, the chairman of the Ways and Means Committee. [Applause.]

The minority members of the committee have been treated throughout with the greatest courtesy by the chairman, by the pleasant gentleman from Massachusetts [Mr. TREADWAY], by the handsome gentleman from New Jersey [Mr. BACHARACH], and by the astute gentleman from Illinois [Mr. CHINDBLOM], and by the rest of the majority members.

We have been permitted to cross-examine witnesses to a much greater length than witnesses ever have been cross-examined before, and the cross-examination all appears safely buried in the vast volumes of testimony taken during these hearings. So far as we can tell not the slightest attention whatever has been paid to the facts we brought out. [Laughter.] Some attention may be paid later. This is not our bill. If we had had our way about it when we exposed the inconsistencies of these tariff beneficiaries, we would have had a very different kind of a bill.

But we have been relieved from all responsibilities in the matter, and during the six or eight weeks that majority members of the committee have been working diligently and studiously in the preparation of this most surprising bill, we have had nothing to do at all and we could not even ascertain what they were doing.

No bill in the history of tariff legislation was ever prepared with greater secrecy than this. Nobody knew what was in the bill until it finally burst forth fully armed and equipped upon a startled world like Minerva from the brain of Jove; but we are beginning to find out what is in it. [Laughter.]

Obediently the House followed the suggestions of majority members of the Ways and Means Committee in voting for the amendments that have been suggested to the bill. Of course, we can not offer any amendment; we are prevented from doing that. This bill has not even been read, and we are approaching the hour when we are to vote upon it. There are many sections which have not been read and which will not be read. Under this rule they do not have to be read. They are going to be adopted, and you gentlemen do not know what you are voting for. But that does not seem to make any difference in the scheme of things as carried on at the present time.

Over in Italy they have a Parliament to which we are rapidly molding this House. Over there Mussolini proudly calls his Parliament the "corporate Parliament"—meaning they act just for the Fascist syndicates, the recognized corporations of Italy.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The Chair recognizes the gentleman from Massachusetts [Mr. TREADWAY].

Mr. HENRY T. RAINEY. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. The gentleman from Massachusetts has been recognized.

Mr. TREADWAY. I will yield to the gentleman from Illinois.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. HENRY T. RAINEY. Mr. Chairman, I thank the gentleman from Massachusetts, who has yielded in accordance with his uniform courtesy throughout the consideration of this bill. [Applause.]

Over there in Italy they have what they call a voting automata, and Mussolini proudly calls attention to it. That is what we are getting here. Over there they have a council which they call the Fascist Grand Council of Italy. We have organized that sort of a council here—15 pleasant, genial gentlemen who smile when they do these things—and it requires courage to smile when you are wrong—15 gentlemen tell you how to vote. They constitute now "The Fascist Grand Council of the United States Congress," and so you go along, those of you who are willing to be made voting automata, and vote for this bill, and in a few minutes you will start it out on the stormy seas of future years unless the Senate feels like changing it. If they make it any worse than it is, God help the country; and if they leave it like it is, God help the Republican Party. [Laughter and applause.]

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word. In behalf of these terrible 15 men to whom the gentleman from Illinois [Mr. RAINEY] has so graciously referred, I thank him both for his words of commendation and his words of condemnation, because words of condemnation from the source from which they have just come are indeed words of praise. [Laughter.] At a time when legislation is progressing to the stage that this bill is, we very frequently hear of the interest that the Democratic Party is taking in the future welfare of the Republican Party. It is always with feelings of compassion, commiseration, and sympathy that they picture to the world and future generations the burial of the Republican Party as the result of the legislation enacted. So far, they have been false prophets, and they are going to be so as regards this tariff bill. [Applause on the Republican side.] With all due respect to the gentleman from Illinois [Mr. RAINEY] when he says that we are copying other governments, I wish to say that the gentleman from New York [Mr. SNELL] the chairman of the Committee on Rules, explained that situation in the beginning of this debate, wherein he showed that we are only imitating the Democratic Party when they were in power in 1913, but bettering their method of procedure.

The opportunity for testifying in regard to this measure was widespread, was country spread. The gentleman from Illinois said that no attention was paid to the witnesses nor to the interrogations of the Democratic members of the committee. I beg to tell the gentleman that every possible attention was paid to 10,684 pages of testimony by the 15 subcommittees to which that testimony was referred. Every bit of testimony was carefully gone over, and in addition to that, we heard in the presence of the Democratic members some 1,181 witnesses. So the American people have had the opportunity to place their case before the Committee on Ways and Means, and the committee carried out the wishes of the people in providing that opportunity.

But now, to get down to just a little more of detail, although these matters have been made a matter of record before, now that the bill is soon to be voted on, I again call attention to the work that has been actually done on the bill. The hearings commenced on the 7th of January and continued daily except Sunday, including many evenings, until February 27. From that time on until the actual introduction of the bill the committees were digesting the very testimony to which the gentleman from Illinois has referred. The bill was introduced on May 7. It was reported back on May 9. The rule was adopted here in the House on May 24, and since May 9, for three weeks, this bill has been under constant discussion in the House. I think it is fair to say, therefore, that it presents the unanimous sentiment practically of the majority party, now that we are about to vote upon it.

One more word, if I may be allowed, and that is to give credit to whom credit is due. While we appreciate the assistance of the Democratic Members in their interrogating witnesses, we also wish to testify to their extreme courtesy to the rest of the committee during the time that they attended our meetings. Further than that we appreciate the efforts that they have made to assist in passing the bill by not offering obstructive methods on the floor. One of their Members, the gentleman from Mississippi [Mr. COLLIER], always gracious, said that in all his experience in the House no important measure like this, particularly a tariff bill, had ever had the smooth sailing that this one has had, and it is through the courtesy of the Democrats to a large extent that that condition exists.

Permit me to say in closing that the main guiding oar of this whole job, which has extended over a period of five months, has been the able, efficient, and courteous chairman of the committee, the gentleman from Oregon [Mr. HAWLEY]. [Applause.] Honestly, I do not know where we 15 men might not have drifted had we not had the guiding hand of our chairman always there to absolutely control the situation by his own dignified methods. And in addition, let me say that the clerical force has been most efficient. I am looking back always to the assistance rendered to us by the legislative counsel. Many of us remember when the legislative counsel was ridiculed in this House and efforts were made to prevent its being put into force. Its members have demonstrated their value in the very able manner in which they have conducted themselves here. We present this bill to you and hope within a very few minutes that it will have a very large vote in this body. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon.

The amendment was agreed to.

Mr. HAWLEY. Mr. Chairman, I offer the following committee amendments which I send to the desk.

The Clerk read as follows:

Amendments offered by Mr. HAWLEY:

Page 427, line 21, after the comma following the word "character," insert "and of corporations, associations, and partnerships."

Page 427, line 25, after the period, insert the following: "No such license shall be granted to any corporation, association, or partnership unless licenses as customhouse brokers have been issued to at least two of the officers of such corporation or association, or two of the members of such partnership, and such licenses are in force. Any license granted to any such corporation, association, or partnership shall be deemed revoked if for any continuous period of more than 60 days after the issuance of such license there are not at least two officers of such corporation or association or two members of such partnership who are qualified to transact business as customhouse brokers."

Page 428, strike out lines 14 to 21, inclusive, and insert in lieu thereof the following: "any license issued under such act shall continue in force and effect, subject to suspension and revocation in the same manner and upon the same conditions as licenses issued pursuant to subdivision (a) of this section."

Page 270, line 6, before the word "shall," insert the words "the commission."

Page 324, line 5, strike out the word "same" and the dash.

Page 338, after line 3, insert the following new paragraph:

"(d) A consignee shall not be liable for any additional or increased duties if (1) he declares at the time of entry that he is not the actual owner of the merchandise, (2) he furnishes the name and address of such owner, and (3) within 90 days from the date of entry he produces a declaration of such owner conditioned that he will pay all additional and increased duties, under such regulations as the Secretary of the Treasury may prescribe. Such owner shall possess all the rights of a consignee."

Page 338, line 4, strike out "(d)" and insert in lieu thereof "(e)."

Page 338, line 11, strike out "(e)" and insert in lieu thereof "(f)."

The CHAIRMAN. The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. DENISON. Mr. Chairman, I move to strike out the last word of the bill for the purpose of making a brief statement. I do not desire to displace any member of the Ways and Means Committee who may wish to speak before the debate closes; but the hour for voting on the bill is now approaching, and I desire to say just a word before the vote is taken.

No tariff bill can be drawn that will meet with the approval of all the Members of the House, and I doubt if any can be drawn that will meet with the approval of any Member of the House in all of its provisions. The industrial and agricultural interests of the country are so varied that it is impossible to prepare a bill revising the tariff that would meet the views of the Representatives from all sections of the country. We necessarily have to compose our differences by some sort of compromise and do the best we can to get a bill that meets the approval of the largest number.

I intend to vote for this bill, of course, and I hope every Republican in the House will vote for it. There are several schedules in the bill that do not meet my approval; but I can not imagine myself voting against a Republican tariff bill because I may not be in favor of this provision or that provision.

During the Civil War one of my illustrious predecessors voted against an appropriation bill because he was opposed to some provision of the bill; I think it was some administrative provision. It happened that the bill contained, among the hundreds of other items, an appropriation of funds to purchase straw for bedding for the soldiers in the field. In the following campaign his opponent made a political issue out of the fact that the Member of Congress had voted against appropriating money to buy straw for the use of soldiers who were fighting in the field for their country, and upon that issue the Member was defeated for reelection. I have tried to profit by that experience of my predecessor, and I never vote against an appropriation bill or a revenue bill merely because I do not approve of some few provisions of the bill.

There is one particular provision of this bill to which I am opposed, and I do not want this debate to close without voicing my protest against it here in the House, as I did in the Republican conference. That provision is section 336, where we delegate to the President the constitutional power of Congress to levy taxes. I think that provision is unwise. [Applause.]

If that section of the bill had been left open for amendment and could have been submitted to the House by a proper amendment, it would, in my judgment, have been voted out. I believe that the existing law goes as far as we ought to go in delegating to the President power to increase or decrease tariff schedules. I have very serious doubts about the constitutionality of section 336 of the bill as it is now before the House. We give the President very broad discretion in reaching his conclusions upon which he may increase or decrease tariff schedules, but even if the bill is still within our constitutional powers, I think it is most undesirable for Congress to surrender to the Executive our control over the tariff schedules, and I can not help but believe that from a Republican standpoint, especially, it is a mistake for us to do so. Protection is a fundamental policy of the Republican Party; it is our duty as Republican Representatives in Congress to preserve and carefully guard that policy in our tariff legislation; I do not think we ought to delegate to the President the power to substantially change that policy without the consent of Congress. We have nothing to fear, of course, from our present President; but we can not tell who will be our President four years from now, and I do not think it wise for Congress to delegate to any President the power to make changes in our tax system which might not at the time meet the approval of the House of Representatives. When this power is once granted, it can not be taken away except by a vote of both Houses of Congress and with the approval of the President. Therefore it is all the more important that we do not go too far in delegating to the Executive the rights and duties which were conferred upon the Congress by the Constitution. I have taken the floor at this time to voice my protest against this provision of the bill and to express the hope that it will be changed by the Senate and that the change will be agreed to in conference before the bill becomes a law.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. GARNER. A motion to recommit will propose the elimination of that feature. Will the gentleman vote for it?

Mr. DENISON. That depends on what the motion to recommit provides. But I only want to say that I am opposed to our transferring to the President any more power in the fixing of tariff taxes than he is given under existing law. I hope that part of the bill will be corrected. But notwithstanding my opposition to that provision of the bill and to some of the rate schedules, I am going to support the bill, and I hope all the Members of the House will support it. [Applause.]

The CHAIRMAN. The hour of 3 o'clock having arrived, pursuant to House Resolution 45——

Mr. HENRY T. RAINEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Too late. Pursuant to House Resolution 45, the committee automatically rises and reports the bill back to the House with sundry amendments that have been adopted by the committee.

Whereupon the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 2667, pursuant to House Resolution 45, through him reports the same back to the House with sundry amendments adopted by the committee.

The SPEAKER. The gentleman from New York, Chairman of the Whole House on the state of the Union, having under consideration the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes, reports it back under the rule with sundry amendments. The previous question under the rule is ordered.

Mr. HENRY T. RAINEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HENRY T. RAINEY. Does the rule under which we are considering the bill provide for the reading of the bill? I

ask whether the bill has been read under the provisions of the rule?

The SPEAKER. The Chair thinks that the rule has been complied with by the Committee of the Whole. Is a separate vote desired on any amendment? If not, the Chair will submit the amendments in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

Mr. GARNER. Mr. Speaker, I desire to offer a motion to recommit.

The SPEAKER. The Chair thinks it is his duty to inquire of the gentleman if he is opposed to the bill?

Mr. GARNER. He is. [Laughter.] I might facilitate the consideration of this bill by asking unanimous consent that the reading of that provision of the motion to recommit, that part of it that reiterates the language concerning the Tariff Commission, might be omitted by unanimous consent and the text of the motion printed in the RECORD.

The SPEAKER. The gentleman from Texas asks unanimous consent that the reading of so much of the motion as reiterates the wording of the proposed law be omitted, but shall be printed in the RECORD. Is there objection?

There was no objection.

The Clerk read the motion to recommit, omitting the language above referred to.

The full text of the motion to recommit is as follows:

Mr. GARNER moves to recommit the bill H. R. 2667 to the Committee on Ways and Means with instructions to that committee to report the bill with the following amendments:

(1) On page 268, beginning with line 16, strike out (what is known as Part II, United States Tariff Commission) down to and including line 25, on page 294, which reads as follows:

"PART II—UNITED STATES TARIFF COMMISSION

"SEC. 330. ORGANIZATION OF THE COMMISSION.

"(a) MEMBERSHIP.—The United State Tariff Commission (referred to in this title as the 'commission') shall be composed of seven commissioners to be hereafter appointed by the President, by and with the advice and consent of the Senate, but each member now in office shall continue to serve until his successor (as designated by the President at the time of nomination) takes office. No person shall be eligible for appointment as a commissioner unless he is a citizen of the United States and, in the judgment of the President, is possessed of qualifications requisite for developing expert knowledge of tariff problems and efficiency in administering the provisions of Part II of this title.

"(b) TERMS OF OFFICE.—Terms of office of the commissioners first taking office after the date of the enactment of this act shall expire, as designated by the President at the time of nomination, one at the end of each of the first seven years after the date of the enactment of this act. The term of office of a successor to any such commissioner shall expire seven years from the date of the expiration of the term for which his predecessor was appointed, except that any commissioner appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(c) CHAIRMAN, VICE CHAIRMAN, AND SALARY.—The President shall annually designate one of the commissioners as chairman and one as vice chairman of the commission. The vice chairman shall act as chairman in case of the absence or disability of the chairman. A majority of the commissioners in office shall constitute a quorum, but the commission may function notwithstanding vacancies. Each commissioner (including members in office on the date of the enactment of this act) shall receive a salary of $12,000 a year. No commissioner shall actively engage in any other business, vocation, or employment than that of serving as a commissioner.

"SEC. 331. GENERAL POWERS.

"(a) PERSONNEL.—The commission shall appoint a secretary, who shall receive a salary of $7,500 per year, and shall have authority to employ and fix the compensations of such special experts, examiners, clerks, and other employees as the commission may from time to time find necessary for the proper performance of its duties.

"(b) APPLICATION OF CIVIL SERVICE LAW.—With the exception of the secretary, a clerk to each commissioner, and such special experts as the commission may from time to time find necessary for the conduct of its work, all employees of the commission shall be appointed from lists of eligibles to be supplied by the Civil Service Commission and in accordance with the civil service law.

"(c) EXPENSES.—All of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners or by their employees under their orders in making any investigation or upon official business in any other places than at their respective headquarters, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the commission.

"(d) OFFICES AND SUPPLIES.—Unless otherwise provided by law, the commission may rent suitable offices for its use, and purchase such furniture, equipment, and supplies as may be necessary.

"(e) PRINCIPAL OFFICE AT WASHINGTON.—The principal office of the commission shall be in the city of Washington, but it may meet and exercise all its powers at any other place. The commission may, by one or more of its members, or by such agents as it may designate, prosecute any inquiry necessary to its duties in any part of the United States or in any foreign country.

"(f) OFFICE AT NEW YORK.—The commission is authorized to establish and maintain an office at the port of New York for the purpose of directing or carrying on any investigation, receiving and compiling statistics, selecting, describing, and filing samples of articles, and performing any of the duties or exercising any of the powers imposed upon it by law.

"(g) OFFICIAL SEAL.—The commission is authorized to adopt an official seal, which shall be judicially noticed.

"SEC. 332. INVESTIGATIONS.

"(a) INVESTIGATIONS AND REPORTS.—It shall be the duty of the commission to investigate the administration and fiscal and industrial effects of the customs laws of this country now in force or which may be hereafter enacted, the relations between the rates of duty on raw materials and finished or partly finished products, the effects of ad valorem and specific duties and of compound specific and ad valorem duties, all questions relative to the arrangement of schedules and classification of articles in the several schedules of the customs laws, and, in general, to investigate the operation of customs laws, including their relation to the Federal revenues, their effect upon the industries and labor of the country, and to submit reports of its investigations as hereafter provided.

"(b) INVESTIGATIONS OF TARIFF RELATIONS.—The commission shall have power to investigate the tariff relations between the United States and foreign countries, commercial treaties, preferential provisions, economic alliances, the effect of export bounties and preferential transportation rates, the volume of importations compared with domestic production and consumption, and conditions, causes, and effects relating to competition of foreign industries with those of the United States, including dumping and cost of production.

"(c) INVESTIGATION OF PARIS ECONOMY PACT.—The commission shall have power to investigate the Paris economy pact and similar organizations and arrangements in Europe.

"(d) INFORMATION FOR PRESIDENT AND CONGRESS.—In order that the President and the Congress may secure information and assistance, it shall be the duty of the commission to—

"(1) Ascertain conversion costs and costs of production in the principal growing, producing, or manufacturing centers of the United States of articles of the United States whenever in the opinion of the commission it is practicable;

"(2) Ascertain conversion costs and costs of production in the principal growing, producing, or manufacturing centers of foreign countries of articles imported into the United States, whenever in the opinion of the commission such conversion costs or costs of production are necessary for comparison with conversion costs or costs of production in the United States and can be reasonably ascertained;

"(3) Select and describe articles which are representative of the classes or kinds of articles imported into the United States and which are similar to or comparable with articles of the United States; select and describe articles of the United States similar to or comparable with such imported articles; and obtain and file samples of articles so selected, whenever the commission deems it advisable;

"(4) Ascertain import costs of such representative articles so selected;

"(5) Ascertain the grower's, producer's, or manufacturer's selling prices in the principal growing, producing, or manufacturing centers of the United States of the articles of the United States so selected; and

"(6) Ascertain all other facts which will show the differences in or which affect competition between articles of the United States and imported articles in the principal markets of the United States.

"(e) DEFINITIONS.—When used in this subdivision and in subdivision (d)—

"(1) The term 'article' includes any commodity, whether grown, produced, fabricated, manipulated, or manufactured;

"(2) The terms 'import cost' means the price at which an article is freely offered for sale in the ordinary course of trade in the usual wholesale quantities for exportation to the United States plus, when not included in such price, all necessary expenses, exclusive of customs duties, of bringing such imported article to the United States.

"(f) REPORTS TO PRESIDENT AND CONGRESS.—The commission shall put at the disposal of the President of the United States, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate, whenever requested, all information at its command, and shall make such investigations and reports as may be requested by the President or by either of said committees or by either branch of the Congress, and shall report to Congress on the first Monday of December of each year hereafter a statement of the methods adopted and all expenses incurred, and a summary of all reports made during the year.

"SEC. 333. TESTIMONY AND PRODUCTION OF PAPERS.

"(a) AUTHORITY TO OBTAIN INFORMATION.—For the purposes of carrying Part II of this title into effect the commission or its duly authorized agent or agents shall have access to and the right to copy any document, paper, or record pertinent to the subject matter under investigation in the possession of any person, firm, copartnership, corporation, or association engaged in the production, importation, or distribution of any article under investigation, and shall have power to summon witnesses, take testimony, administer oaths, and to require any person, firm, copartnership, corporation, or association to produce books or papers relating to any matter pertaining to such investigation. Any member of the commission may sign subpœnas, and members and agents of the commission, when authorized by the commission, may administer oaths and affirmations, examine witnesses, take testimony, and receive evidence.

"(b) WITNESSES AND EVIDENCE.—Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. And in case of disobedience to a subpœna the commission may invoke the aid of any district or Territorial court of the United States or the Supreme Court of the District of Columbia in requiring the attendance and testimony of witnesses and the production of documentary evidence, and such court within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any corporation or other person, issue an order requiring such corporation or other person to appear before the commission, or to produce documentary evidence, if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(c) MANDAMUS.—Upon the application of the Attorney General of the United States, at the request of the commission, any such court shall have jurisdiction to issue writs of mandamus commanding compliance with the provisions of Part II of this title or any order of the commission made in pursuance thereof.

"(d) DEPOSITIONS.—The commission may order testimony to be taken by deposition in any proceeding or investigation pending under Part II of this title at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person, firm, copartnership, corporation, or association may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission, as hereinbefore provided.

"(e) FEES AND MILEAGE OF WITNESSES.—Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same, except employees of the commission, shall severally be entitled to the same fees and mileage as are paid for like services in the courts of the United States: *Provided,* That no person shall be excused, on the ground that it may tend to incriminate him or subject him to a penalty or forfeiture, from attending and testifying, or producing books, papers, documents, and other evidence, in obedience to the subpœna of the commission; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpœna and under oath, he may so testify or produce evidence, except that no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

"(f) STATEMENTS UNDER OATH.—The commission is authorized, in order to ascertain any facts required by subdivision (d) of section 332, to require any importer and any American grower, producer, manufacturer, or seller to file with the commission a statement, under oath, giving his selling prices in the United States of any article imported, grown, produced, fabricated, manipulated, or manufactured by him.

"SEC. 334. COOPERATION WITH OTHER AGENCIES.

"The commission shall in appropriate matters act in conjunction and cooperation with the Treasury Department, the Department of Commerce, the Federal Trade Commission, or any other departments, or independent establishments of the Government, and such departments and independent establishments of the Government shall cooperate fully with the commission for the purposes of aiding and assisting in its work, and, when directed by the President, shall furnish to the commission, on its request, all records, papers, and information in their possession relating to any of the subjects of investigation by the commission and shall detail, from time to time, such officials and employees to said commission as he may direct.

"SEC. 335. PENALTY FOR DISCLOSURE OF TRADE SECRETS.

"It shall be unlawful for any member of the commission, or for any employee, agent, or clerk of the commission, or any other officer or employee of the United States, to divulge, or to make known in any manner whatever not provided for by law, to any person, the trade secrets or processes of any person, firm, copartnership, corporation, or association embraced in any examination or investigation conducted by the commission, or by order of the commission, or by order of any member thereof. Any offense against the provisions of this section shall be a misdemeanor and be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both, in the discretion of the court, and such offender shall also be dismissed from office or discharged from employment.

"SEC. 336. EQUALIZATION OF COMPETITIVE CONDITIONS.

"(a) CHANGE OF CLASSIFICATION OR DUTIES.—In order to put into force and effect the policy of Congress by this act intended, the President shall investigate the differences in conditions of competition in the principal market or markets of the United States between domestic articles and like or similar competitive imported articles. If the President finds it thereby shown that the duties expressly fixed by statute do not equalize the differences in such conditions of competition in the principal market of the United States between a domestic article and a like or similar competitive article imported from the principal competing country, he shall proclaim such changes in classification or such increases or decreases in rates of duty expressly fixed by statute as in his judgment are shown by an investigation to be necessary to equalize such differences. In no case shall the total increase or decrease of such rates of duty exceed 50 per cent of the rates expressly fixed by statute.

"(b) CHANGE TO AMERICAN SELLING PRICE.—If the President finds, upon any such investigation, that such differences can not be equalized by proceeding as hereinbefore provided, he shall make such findings public, together with a description of the articles to which they apply, in such detail as may be necessary for the guidance of appraising officers, and shall proclaim that the ad valorem rate of duty or rates of duty based in whole or in part upon the value of the like or similar competitive imported article in the country of exportation shall thereafter be based upon the American selling price (as defined in subdivision (g) of section 402 of this act) of the domestic article. The President shall further proclaim such ad valorem rate or rates of duty based upon such American selling price as in his judgment are shown by an investigation to be necessary to equalize such differences. In no case shall the total decrease of such rates of duty exceed 50 per cent of the rates expressly fixed by statute, and no such rate shall be increased.

"(c) EFFECTIVE DATE OF PROCLAMATION.—Thirty days after the date of any proclamation under this section the changes in classification or basis of value provided therein shall take effect, and the increased or decreased duties provided therein shall be levied, collected, and paid on the articles specified therein when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila).

"(d) ASCERTAINMENT OF DIFFERENCES IN CONDITIONS OF COMPETITION.—In ascertaining the differences in conditions of competition between domestic articles and like or similar competitive imported articles in the principal market of the United States, the President shall take into consideration, in so far as he finds it practicable and applicable:

"(1) Costs of production of the domestic article, or the price at which such article is freely offered for sale to all purchasers in the principal market of the United States, in the ordinary course of trade and in the usual wholesale quantities in such market; and

"(2) Costs of production of the imported article, or the price or value set forth in its invoice, or its import cost as defined in subdivision (e) of section 332; and

"(3) Other costs of the domestic article and of the imported article (in so far as not considered under paragraph (1) or (2)), including (A) the cost of all containers and coverings of whatever nature and other charges and expenses incident to placing the article in condition packed ready for delivery, and (B) costs of transportation; and

"(4) Advantages granted to a foreign producer by a government, person, partnership, corporation, or association in a foreign country.

"(e) INVESTIGATIONS BY COMMISSION.—Investigations to assist the President in ascertaining differences in conditions of competition under this section shall be made by the commission, and no proclamation shall be issued under this section until such investigation shall have been made. The commission shall give reasonable public notice of its hearings and shall give reasonable opportunity to parties interested to be present, to produce evidence, and to be heard. The commission is authorized to adopt such reasonable procedure, rules, and regulations as it may deem necessary.

"(f) MODIFICATION OF PROCLAMATION.—The President, proceeding as hereinbefore provided for in proclaiming changes in rates of duty, in

classification, or in the basis of value, shall, when he determines that it is shown that the differences in conditions of competition which led to such proclamation have changed or no longer exist, modify or terminate the proclamation accordingly. Nothing in this section shall be construed to authorize a transfer of an article from the dutiable list to the free list or from the free list to the dutiable list, nor a change in form of duty. Whenever it is provided in any paragraph of Title I of this act, or in any amendatory act, that the duty or duties shall not exceed a specified ad valorem rate upon the articles provided for in such paragraph, no rate determined under the provisions of this section upon such articles shall exceed the maximum ad valorem rate so specified.

"(g) DEFINITIONS.—For the purposes of this section—

"(1) The term 'domestic article' means an article wholly or in part the growth or product of the United States; and the term 'imported article' means an article imported into the United States and wholly or in part the growth or product of a foreign country.

"(2) An imported article shall be considered like or similar to and competitive with a domestic article if the imported article is of the same class or kind as the domestic article and accomplishes results substantially equal to those accomplished by the domestic article when used in substantially the same manner and for substantially the same purpose.

"(3) In determining the principal competing country with respect to any imported article the President shall take into consideration the quantity, value, and quality of the article imported from each competing country and any other differences in the conditions under which the article imported from each such country competes with the domestic article. A determination by the President as to the principal competing country shall be final.

"(4) The term "United States" includes the several States and Territories and the District of Columbia.

"(5) The term 'foreign country' means any empire, country, dominion, colony, or protectorate, or any subdivision or subdivisions thereof (other than the United States and its possessions).

"(6) The term 'costs of production,' when applied with respect to either a domestic article or an imported article, includes for a period which is representative of conditions in production of the article: (A) The price or cost of materials, labor costs, and other direct charges incurred in the production of the article and in the processes or methods employed in its production; (B) the usual general expenses, including charges for depreciation or depletion which are representative of the equipment and property employed in the production of the article and charges for rent or interest which are representative of the cost of obtaining capital or instruments of production; (C) the cost of containers and coverings of whatever nature, and other costs, charges, and expenses incident to placing the article in condition packed ready for delivery; and (D) such other factors as the President may deem applicable.

"(h) RULES AND REGULATIONS OF PRESIDENT.—The President is authorized to make all needful rules and regulations for carrying out the provisions of this section.

"(i) RULES AND REGULATIONS OF SECRETARY OF TREASURY.—The Secretary of the Treasury is authorized to make such rules and regulations as he may deem necessary for the entry and declaration of imported articles of the class or kind of articles upon which the President has made a proclamation under the provisions of subdivision (b) of this section and for the form of invoice required at time of entry.

"(j) INVESTIGATIONS PRIOR TO ENACTMENT OF ACT.—All uncompleted investigations instituted prior to the approval of this act under the provisions of section 315 of the tariff act of 1922, including investigations in which the President has not proclaimed changes in classification or increases or decreases in rates of duty, shall be dismissed without prejudice, but the information and evidence secured by the commission in any such investigation may be given due consideration in any investigation instituted under the provisions of this section.

"SEC. 337. UNFAIR PRACTICES IN IMPORT TRADE.

"(a) UNFAIR METHODS OF COMPETITION DECLARED UNLAWFUL.—Unfair methods of competition and unfair acts in the importation of articles into the United States, or in their sale by the owner, importer, consignee, or agent of either, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce in the United States, are hereby declared unlawful, and when found by the President to exist shall be dealt with, in addition to any other provisions of law, as hereinafter provided.

"(b) INVESTIGATIONS OF VIOLATIONS BY COMMISSION.—To assist the President in making any decisions under this section, the commission is hereby authorized to investigate any alleged violation hereof on complaint under oath or upon its initiative.

"(c) HEARINGS AND REVIEW.—The commission shall make such investigation under and in accordance with such rules as it may promulgate and give such notice and afford such hearing, and, when deemed proper by the commission, such rehearing, with opportunity to offer evidence, oral or written, as it may deem sufficient for a full presentation of the facts involved in such investigation. The testimony in every such investigation shall be reduced to writing, and a transcript thereof, with the findings and recommendation of the commission, shall be the official record of the proceedings and findings in the case; and in any case where the findings in such investigation show a violation of this section, a copy of the findings shall be promptly mailed or delivered to the importer or consignee of such articles. Such findings, if supported by evidence, shall be conclusive, except that a rehearing may be granted by the commission, and except that, within such time after said findings are made, and in such manner as appeals may be taken from decisions of the United States Board of General Appraisers, an appeal may be taken from said findings upon a question or questions of law only to the United States Court of Customs and Patent Appeals by the importer or consignee of such articles. If it shall be shown to the satisfaction of said court that further evidence should be taken, and that there were reasonable grounds for the failure to adduce such evidence in the proceedings before the commission, said court may order such additional evidence to be taken before the commission in such manner and upon such terms and conditions as to the court may seem proper. The commission may modify its findings as to the facts or make new findings by reason of additional evidence, which, if supported by evidence, shall be conclusive as to the facts, except that within such time and in such manner an appeal may be taken as aforesaid upon a question or questions of law only. The judgment of said court shall be final, except that the same shall be subject to review by the United States Supreme Court upon certiorari applied for within three months after such judgment of the United States Court of Customs and Patent Appeals.

"(d) TRANSMISSION OF FINDINGS TO PRESIDENT.—The final findings of the commission shall be transmitted with the record to the President.

"(e) EXCLUSION OF ARTICLES FROM ENTRY.—Whenever the existence of any such unfair method or act shall be established to the satisfaction of the President he shall direct that the articles concerned in such unfair methods or acts, imported by any person violating the provisions of this act, shall be excluded from entry into the United States, and upon information of such action by the President the Secretary of the Treasury shall, through the proper officers, refuse such an entry. The decision of the President shall be conclusive.

"(f) ENTRY UNDER BOND.—Whenever the President has reason to believe that any article is offered or sought to be offered for entry into the United States in violation of this section, but has not information sufficient to satisfy him thereof, the Secretary of the Treasury shall, upon his request in writing, forbid entry thereof until such investigation as the President may deem necessary shall be completed: *Provided*, That the Secretary of the Treasury may permit entry under bond upon such conditions and penalties as he may deem adequate.

"(g) CONTINUANCE OF EXCLUSION.—Any refusal of entry under this section shall continue in effect until the President shall find and instruct the Secretary of the Treasury that the conditions which led to such refusal of entry no longer exist.

"SEC. 338. DISCRIMINATION BY FOREIGN COUNTRIES.

"(a) ADDITIONAL DUTIES.—The President when he finds that the public interest will be served thereby shall by proclamation specify and declare new or additional duties as hereinafter provided upon articles wholly or in part the growth or product of, or imported in a vessel of, any foreign country whenever he shall find as a fact that such country—

"(1) Imposes, directly or indirectly, upon the disposition in or transportation in transit through or reexportation from such country of any article wholly or in part the growth or product of the United States any unreasonable charge, exaction, regulation, or limitation which is not equally enforced upon the like articles of every foreign country; or

"(2) Discriminates in fact against the commerce of the United States, directly or indirectly, by law or administrative regulation or practice, by or in respect to any customs, tonnage, or port duty, fee, charge, exaction, classification, regulation, condition, restriction, or prohibition, in such manner as to place the commerce of the United States at a disadvantage compared with the commerce of any foreign country.

"(b) EXCLUSION FROM IMPORTATION.—If at any time the President shall find it to be a fact that any foreign country has not only discriminated against the commerce of the United States, as aforesaid, but has, after the issuance of a proclamation as authorized in subdivision (a) of this section, maintained or increased its said discriminations against the commerce of the United States, the President is hereby authorized, if he deems it consistent with the interests of the United States, to issue a further proclamation directing that such products of said country or such articles imported in its vessels as he shall deem consistent with the public interests shall be excluded from importation into the United States.

"(c) APPLICATION OF PROCLAMATION.—Any proclamation issued by the President under the authority of this section shall, if he deems it consistent with the interests of the United States, extend to the whole of any foreign country or may be confined to any subdivision or subdivisions thereof; and the President shall, whenever he deems the public interests require, suspend, revoke, supplement, or amend any such proclamation.

"(d) DUTIES TO OFFSET COMMERCIAL DISADVANTAGES.—Whenever the President shall find as a fact that any foreign country places any burden or disadvantage upon the commerce of the United States by any of the unequal impositions or discriminations aforesaid, he shall, when he finds that the public interest will be served thereby, by proclamation specify and declare such new or additional rate or rates of duty as he shall determine will offset such burden or disadvantage, not to exceed 50 per cent ad valorem or its equivalent, on any products of, or on articles imported in a vessel of, such foreign country; and 30 days after the date of such proclamation there shall be levied, collected, and paid upon the articles enumerated in such proclamation when imported into the United States from such foreign country such new or additional rate or rates of duty; or, in case of articles declared subject to exclusion from importation into the United States under the provisions of subdivision (b) of this section, such articles shall be excluded from importation.

"(e) DUTIES TO OFFSET BENEFITS TO THIRD COUNTRY.—Whenever the President shall find as a fact that any foreign country imposes any unequal imposition or discrimination as aforesaid upon the commerce of the United States, or that any benefits accrue or are likely to accrue to any industry in any foreign country by reason of any such imposition or discrimination imposed by any foreign country other than the foreign country in which such industry is located, and whenever the President shall determine that any new or additional rate or rates of duty or any prohibition hereinbefore provided for do not effectively remove such imposition or discrimination and that any benefits from any such imposition or discrimination accrue or are likely to accrue to any industry in any foreign country, he shall, when he finds that the public interest will be served thereby, by proclamation specify and declare such new or additional rate or rates of duty upon the articles wholly or in part the growth or product of any such industry as he shall determine will offset such benefits, not to exceed 50 per cent ad valorem or its equivalent, upon importation from any foreign country into the United States of such articles; and on and after 30 days after the date of any such proclamation such new or additional rate or rates of duty so specified and declared in such proclamation shall be levied, collected, and paid upon such articles.

"(f) FORFEITURE OF ARTICLES.—All articles imported contrary to the provisions of this section shall be forfeited to the United States and shall be liable to be seized, prosecuted, and condemned in like manner and under the same regulations, restrictions, and provisions as may from time to time be established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws. Whenever the provisions of this act shall be applicable to importations into the United States of articles wholly or in part the growth or product of any foreign country, they shall be applicable thereto whether such articles are imported directly or indirectly.

"(g) ASCERTAINMENT BY COMMISSION OF DISCRIMINATIONS.—It shall be the duty of the commission to ascertain and at all times to be informed whether any of the discriminations against the commerce of the United States enumerated in subdivisions (a), (b), and (e) of this section are practiced by any country; and if and when such discriminatory acts are disclosed, it shall be the duty of the commission to bring the matter to the attention of the President, together with recommendations.

"(h) RULES AND REGULATIONS OF SECRETARY OF TREASURY.—The Secretary of the Treasury with the approval of the President shall make such rules and regulations as are necessary for the execution of such proclamations as the President may issue in accordance with the provisions of this section.

"(i) DEFINITION.—When used in this section the term 'foreign country' shall mean any territory foreign to the United States within which separate tariff rates or separate regulations of commerce are enforced.

"SEC. 339. REENACTMENT OF EXISTING LAW.

"Sections 330 to 338, inclusive, shall be construed as a reenactment of sections 700 to 709, inclusive, of the revenue act of 1916 and of sections 315 to 318, inclusive, of the tariff act of 1922, in so far as not inconsistent therewith."

And amend by providing a bipartisan fact-finding tariff commission to be under the control of Congress;

(2) On pages 296 to 302, inclusive, strike out all of section 402 and insert in lieu thereof the language of section 402 of the tariff act of 1922;

(3) Amend by adjusting rates in all schedules so that the duties shall not exceed the actual difference between the cost of production in the United States and abroad.

Mr. GARNER. Mr. Speaker, I ask for the yeas and nays on the motion to recommit.

The yeas and nays were ordered.

The SPEAKER. As many as favor the motion of the gentleman from Texas to recommit the bill will, when their names are called, answer "yea"; those opposed will answer "nay."

Mr. TILSON. Mr. Speaker, I ask that the rule be enforced in regard to Members standing in the well. I hope the well will be kept free of Members.

The SPEAKER. The Chair will enforce the rule.

The question was taken; and there were—yeas 157, nays 254, answered "present" 1, not voting 15, as follows:

[Roll No. 7]

YEAS—157

Abernethy	DeRouen	Johnson, Okla.	Pou
Allgood	Dickstein	Johnson, Tex.	Prall
Almond	Dominick	Jones, Tex.	Quayle
Arnold	Doughton	Kemp	Quin
Aswell	Douglas, Ariz.	Kerr	Ragon
Auf der Heide	Douglass, Mass.	Kincheloe	Rainey, Henry T.
Ayres	Doxey	Kvale	Rankin
Bankhead	Drane	LaGuardia	Rayburn
Beck	Drewry	Lankford, Ga.	Romjue
Bell	Driver	Larsen	Rutherford
Black	Edwards	Lee, Tex.	Sabath
Bland	Eslick	Lindsay	Sanders, Tex.
Bloom	Evans, Mont.	Linthicum	Sandlin
Box	Fisher	Lozier	Sirovich
Boylan	Fitzpatrick	Ludlow	Smith, W. Va.
Brand, Ga.	Fuller	McCloskey	Somers, N. Y.
Briggs	Fulmer	McCormack, Mass.	Spearing
Browning	Gambrill	McDuffie	Steagall
Brunner	Garner	McKeown	Stedman
Buchanan	Garrett	McMillan	Steele
Busby	Gasque	McReynolds	Stevenson
Byrns	Glover	McSwain	Sullivan, N. Y.
Canfield	Goldsborough	Mead	Sumners, Tex.
Cannon	Green	Milligan	Tarver
Carew	Greenwood	Montague	Taylor, Colo.
Carley	Gregory	Moore, Va.	Tucker
Cartwright	Griffin	Morehead	Underwood
Celler	Hall, Miss.	Nelson, Mo.	Vinson, Ga.
Clark, N. C.	Hammer	Norton	Warren
Cochran, Mo.	Hare	O'Connell, R. I.	Whitehead
Collier	Hastings	O'Connor, La.	Whittington
Collins	Hill, Ala.	O'Connor, N. Y.	Williams, Tex.
Connery	Hill, Wash.	Oldfield	Wilson
Cooper, Tenn.	Howard	Oliver, Ala.	Wingo
Cox	Huddleston	Oliver, N. Y.	Woodrum
Crisp	Hudspeth	Owen	Wright
Cross	Hull, Morton D.	Palmisano	Yon
Crosser	Hull, Tenn.	Parks	
Cullen	Igoe	Patman	
Davis	Jeffers	Patterson	

NAYS—254

Ackerman	Eaton, N. J.	Kendall, Ky.	Sanders, N. Y.
Adkins	Elliott	Kendall, Pa.	Schafer, Wis.
Aldrich	Ellis	Ketcham	Schneider
Allen	Englebright	Kiefner	Sears
Andresen	Estep	Kiess	Seger
Andrew	Esterly	Knutson	Seiberling
Arentz	Evans, Calif.	Kopp	Selvig
Bacharach	Fenn	Korell	Shaffer, Va.
Bachmann	Fish	Kurtz	Short, Mo.
Bacon	Fitzgerald	Lambertson	Shott, W. Va.
Baird	Fort	Lampert	Shreve
Barbour	Foss	Langley	Simmons
Beedy	Frear	Lankford, Va.	Simms
Beers	Free	Lea, Calif.	Sinclair
Blackburn	Freeman	Leatherwood	Sloan
Bohn	French	Leavitt	Smith, Idaho
Bolton	Garber, Okla.	Leech	Snell
Bowman	Garber, Va.	Lehlbach	Snow
Brand, Ohio	Gibson	Letts	Sparks
Brigham	Gifford	Luce	Speaks
Britten	Glynn	McClintock, Ohio.	Sproul, Ill.
Browne	Goodwin	McCormick, Ill.	Stafford
Brumm	Graham	McFadden	Stalker
Buckbee	Guyer	McLaughlin	Stobbs
Burdick	Hadley	McLeod	Stone
Burtness	Hale	Maas	Strong, Kans.
Butler	Hall, Ill.	Magrady	Strong, Pa.
Cable	Hall, Ind.	Manlove	Sullivan, Pa.
Campbell, Iowa	Hall, N. Dak.	Mapes	Summers, Wash.
Campbell, Pa.	Halsey	Martin	Swanson
Carter, Calif.	Hancock	Menges	Swick
Carter, Wyo.	Hardy	Merritt	Swing
Chalmers	Hartley	Michaelson	Taber
Chase	Haugen	Michener	Taylor, Tenn.
Chindblom	Hawley	Miller	Temple
Christgau	Hess	Moore, Ohio	Thatcher
Christopherson	Hickey	Morgan	Thompson
Clague	Hoch	Mouser	Thurston
Clancy	Hoffman	Murphy	Tilson
Clark, Md.	Hogg	Nelson, Me.	Timberlake
Clarke, N. Y.	Holaday	Nelson, Wis.	Tinkham
Cochran, Pa.	Hooper	Newhall	Treadway
Cole	Hope	Newton	Underhill
Colton	Hopkins	Niedringhaus	Vestal
Connolly	Houston	O'Connor, Okla.	Vincent, Mich.
Cooke	Hudson	Palmer	Wainwright
Cooper, Ohio	Hughes	Parker	Walker
Cooper, Wis.	Hull, William E.	Perkins	Wason
Coyle	Hull, Wis.	Pittenger	Watres
Craddock	Irwin	Porter	Watson
Crail	James	Pratt, Harcourt J.	Welsh, Pa.
Crowther	Jenkins	Pratt, Ruth	Whitley
Culkin	Johnson, Ill.	Pritchard	Wigglesworth
Dallinger	Johnson, Ind.	Purnell	Williams, Ill.
Darrow	Johnson, Nebr.	Ramey, Frank M.	Wolfenden
Davenport	Johnson, S. Dak.	Ramseyer	Wolverton, N. J.
Dempsey	Johnson, Wash.	Ransley	Wolverton, W. Va.
Denison	Johnston, Mo.	Reece	Wood
De Priest	Jonas, N. C.	Reed, N. Y.	Woodruff
Dickinson	Kading	Reid, Ill.	Wyant
Dowell	Kahn	Robinson, Iowa	Yates
Dunbar	Kaynor	Robsion, Ky.	Zihlman
Dyer	Kearns	Rogers	
Eaton, Colo.	Kelly	Rowbottom	

ANSWERED "PRESENT"—1

Sproul, Kans.

NOT VOTING—15

Corning	Doyle	Lanham	O'Connell, N. Y.
Cramton	Golder	McClintic, Okla.	Welch, Calif.
Curry	Griest	Mansfield	Williamson
Doutrich	Kunz	Mooney	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. O'Connell of New York (for) with Mr. Curry (against).
Mr. Kunz (for) with Mr. Corning (against).
Mr. Doyle (for) with Mr. Golder (against).
Mr. McClintic of Oklahoma (for) with Mr. Griest (against).
Mr. Mooney (for) with Mr. Welch of California (against).
Mr. Lanham (for) with Mr. Cramton (against).

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. GARNER. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 264, nays 147, answered "present" 2, not voting 14, as follows:

[Roll No. 8]

YEAS—264

Ackerman	Elliott	Kiefner	Schafer, Wis.
Adkins	Ellis	Kiess	Schneider
Aldrich	Englebright	Knutson	Sears
Allen	Estep	Kopp	Seger
Andrew	Esterly	Korell	Seiberling
Arentz	Evans, Calif.	Kurtz	Shaffer, Va.
Aswell	Fenn	Lampert	Short, Mo.
Bacharach	Fish	Langley	Shott, W. Va.
Bachmann	Fitzgerald	Lankford, Va.	Shreve
Bacon	Fort	Lea, Calif.	Simmons
Baird	Foss	Leatherwood	Simms
Barbour	Frear	Leavitt	Sinclair
Beedy	Free	Leech	Sloan
Beers	Freeman	Lehlbach	Smith, Idaho
Blackburn	French	Letts	Snell
Bohn	Garber, Okla.	Luce	Snow
Bolton	Garber, Va.	Ludlow	Sparks
Bowman	Gibson	McClintock, Ohio	Speaks
Brand, Ohio	Gifford	McCloskey	Spearing
Brigham	Glynn	McCormick, Ill.	Sproul, Ill.
Britten	Graham	McFadden	Stafford
Browne	Green	McLaughlin	Stalker
Brumm	Hadley	McLeod	Stobbs
Buckbee	Hale	Maas	Stone
Burdick	Hall, Ill.	Magrady	Strong, Kans.
Burtness	Hall, Ind.	Manlove	Strong, Pa.
Butler	Hall, N. Dak.	Mapes	Sullivan, Pa.
Cable	Hancock	Martin	Summers, Wash.
Campbell, Pa.	Hardy	Menges	Swanson
Carter, Calif.	Hartley	Merritt	Swick
Carter, Wyo.	Haugen	Michaelson	Swing
Celler	Hawley	Michener	Taber
Chalmers	Hess	Miller	Taylor, Colo.
Chase	Hickey	Moore, Ohio	Taylor, Tenn.
Chindblom	Hill, Wash.	Morgan	Temple
Clancy	Hoch	Mouser	Thatcher
Clark, Md.	Hoffman	Murphy	Thompson
Clarke, N. Y.	Hogg	Nelson, Me.	Thurston
Cochran, Pa.	Holaday	Nelson, Wis.	Tilson
Cole	Hooper	Newhall	Timberlake
Colton	Hope	Newton	Tinkham
Connery	Hopkins	Niedringhaus	Treadway
Connolly	Houston	O'Connell, R. I.	Underhill
Cooke	Hudson	O'Connor, La.	Underwood
Cooper, Ohio	Hudspeth	O'Connor, Okla.	Vestal
Cooper, Wis.	Hughes	Owen	Vincent, Mich.
Coyle	Hull, William E.	Palmer	Wainwright
Craddock	Irwin	Parker	Walker
Crail	James	Perkins	Wason
Cramton	Jenkins	Pittenger	Watres
Crowther	Johnson, Ill.	Porter	Watson
Culkin	Johnson, Ind.	Pratt, Harcourt J.	Welsh, Pa.
Dallinger	Johnson, Nebr.	Pratt, Ruth	Whitley
Darrow	Johnson, S. Dak.	Pritchard	Wigglesworth
Davenport	Johnson, Wash.	Purnell	Williams, Ill.
Dempsey	Johnston, Mo.	Ramey, Frank M.	Williamson
Denison	Jonas, N. C.	Ramseyer	Wilson
De Priest	Kading	Ransley	Wolfenden
DeRouen	Kahn	Reece	Wolverton, N. J.
Dickinson	Kaynor	Reed, N. Y.	Wolverton, W. Va.
Dowell	Kearns	Reid, Ill.	Wood
Drane	Kelly	Robinson, Iowa	Woodruff
Dunbar	Kemp	Robsion, Ky.	Wyant
Dyer	Kendall, Ky.	Rogers	Yates
Eaton, Colo.	Kendall, Pa.	Rowbottom	Yon
Eaton, N. J.	Ketcham	Sanders, N. Y.	Zihlman

NAYS—147

Abernethy	Brand, Ga.	Clague	Douglas, Ariz.
Allgood	Briggs	Clark, N. C.	Douglass, Mass.
Almon	Browning	Cochran, Mo.	Doxey
Andresen	Brunner	Collier	Drewry
Arnold	Buchanan	Collins	Driver
Auf der Heide	Busby	Cooper, Tenn.	Edwards
Ayres	Byrns	Cox	Eslick
Bankhead	Campbell, Iowa	Crisp	Evans, Mont.
Beck	Canfield	Cross	Fisher
Bell	Cannon	Crosser	Fitzpatrick
Black	Carew	Cullen	Fuller
Bland	Carley	Davis	Fulmer
Bloom	Cartwright	Dickstein	Gambrill
Box	Christgau	Dominick	Garner
Boylan	Christopherson	Doughton	Garrett
Gasque	Kerr	Nelson, Mo.	Sandlin
Glover	Kincheloe	Norton	Selvig
Goldsborough	Kvale	O'Connor, N. Y.	Sirovich
Goodwin	LaGuardia	Oldfield	Smith, W. Va.
Greenwood	Lambertson	Oliver, Ala.	Somers, N. Y.
Gregory	Lankford, Ga.	Oliver, N. Y.	Steagall
Griffin	Larsen	Palmisano	Stedman
Hall, Miss.	Lee, Tex.	Parks	Steele
Halsey	Lindsay	Patman	Stevenson
Hammer	Linthicum	Patterson	Sullivan, N. Y.
Hare	Lozier	Pou	Sumners, Tex.
Hastings	McCormack, Mass.	Prall	Tarver
Hill, Ala.	McDuffie	Quayle	Tucker
Howard	McKeown	Quin	Vinson, Ga.
Huddleston	McMillan	Ragon	Warren
Hull, Tenn.	McReynolds	Rainey, Henry T.	Whitehead
Hull, Wis.	McSwain	Rankin	Whittington
Igoe	Mead	Rayburn	Williams, Tex.
Jeffers	Milligan	Romjue	Wingo
Johnson, Okla.	Montague	Rutherford	Woodrum
Johnson, Tex.	Moore, Va.	Sabath	Wright
Jones, Tex.	Morehead	Sanders, Tex.	

ANSWERED "PRESENT"—2

Guyer Sproul, Kans.

NOT VOTING—14

Corning	Golder	Lanham	O'Connell, N. Y.
Curry	Griest	McClintic, Okla.	Welch, Calif.
Doutrich	Hull, Morton D.	Mansfield	
Doyle	Kunz	Mooney	

So the bill was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. Curry (for) with Mr. O'Connell of New York (against).
Mr. Corning (for) with Mr. Kunz (against).
Mr. Golder (for) with Mr. Doyle (against).
Mr. Griest (for) with Mr. McClintic of Oklahoma (against).
Mr. Welch of California (for) with Mr. Mooney (against).
Mr. Doutrich (for) with Mr. Lanham (against).

The result of the vote was announced as above recorded.

On motion of Mr. HAWLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

REASON FOR NOT VOTING ON MOTION TO RECOMMIT

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. The gentleman from Michigan asks unanimous consent to proceed for one-half minute. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, at the time of the roll call on the motion to recommit I was engaged in a conference in my office and was waiting for the signal bell and the bell did not ring. So I missed the roll call. If I had been present, as I would have been if I had had the customary notice of the roll call, I would have voted "no" on the motion to recommit.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I have two or three important unanimous-consent requests to submit; therefore, I ask that the Members do not leave until I submit them.

Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 1 o'clock. My reason for making this request is that the Ways and Means Committee has a hearing to-morrow morning on two or three rather important matters, and I think it will require more time, perhaps, to consider these bills in the committee than it will in the House after they are reported to the House. Therefore I submit this request.

Mr. GARNER. Mr. Speaker, reserving the right to object, if I understand the gentleman correctly, he has no business to come before the House to-morrow except such bills as may be reported to-morrow by the Ways and Means Committee?

Mr. TILSON. That is my purpose.

Mr. GARNER. And none of these bills can be taken up under the rules of the House of Representatives except by unanimous consent.

Mr. TILSON. No; the request I made this morning, and I shall repeat it, is that bills that have been reported from the Ways and Means Committee without opposition may be considered.

Mr. GARNER. The gentleman did not get that consent this morning.

Mr. TILSON. No.

Mr. GARNER. I do not see any necessity of making that request again, because if you can get unanimous consent to-day you can get it to-morrow. I am perfectly willing for the House to adjourn until 1 o'clock to-morrow in order that we may complete the hearings, with the understanding that we will consider nothing to-morrow except the matters reported by the Ways and Means Committee that may be considered by unanimous consent.

Mr. WOOD. Mr. Speaker, reserving the right to object, there are three or four important matters before the Committee on Appropriations for which we intend to ask unanimous consent, and I would hate to see such opportunity barred unless we may have some assurance that the House will be in session long enough after to-morrow so that they may be considered.

Mr. TILSON. I think the gentleman need have no uneasiness about that. There will be time enough.

Mr. GARNER. If I understand the program of the gentleman from Connecticut, after the Ways and Means Committee has its hearing to-morrow and makes such recommendation as it may see proper to the House, anything that can be taken up under unanimous consent may be then considered.

Mr. TILSON. Such matters as can be taken up in that way; yes.

Mr. GARNER. And if the gentleman does not get unanimous consent to consider them to-morrow, you will adjourn over until the next day with a view of taking them up and considering them then. Is that the gentleman's intention?

Mr. TILSON. That is my purpose.

Mr. GARNER. I simply wanted the House to understand what the purpose is.

The SPEAKER. May the Chair interject this remark? The Chair is not very familiar with the bills, but has the impression that one of the bills is privileged.

Mr. GARNER. If it is reported to-morrow, could it be called up on that day?

The SPEAKER. It could be called up if it is privileged. The Chair has not carefully examined it. Any other bill would require unanimous consent.

Mr. RANKIN. Mr. Speaker, reserving the right to object, as I understand the gentleman from Connecticut [Mr. TILSON], if he does not get unanimous consent to his request to-morrow the House will be in session on Memorial Day.

Mr. TILSON. If it be necessary to transact the public business we should meet on Memorial Day—the better the day, the better the deed.

Mr. RANKIN. That is one reason I think we ought to adjourn the House for Memorial Day at least.

Mr. TILSON. It is my hope that we may do so, and I am trying to arrange so that it may be done.

Mr. HOWARD. Mr. Speaker, in view of the fact that I objected to the unanimous-consent request this morning, I fear the gentleman from Connecticut did not clearly understand me. I wanted him to know I was objecting to only one of the measures he desired considered. With reference to the others I have no objection.

Mr. TILSON. I tried to explain to the gentleman earlier in the day that there was no intention of bringing up the bill to which he objects.

Mr. HOWARD. Now I know it will not be brought up. [Laughter.]

Mr. TILSON. Mr. Speaker, I renew my request.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. TILSON. Mr. Speaker, I now ask unanimous consent that when the House adjourns to-morrow it adjourn to meet on Friday next.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that when the House adjourns to-morrow it adjourn to meet on Friday next. Is there objection?

There was no objection.

ADDITIONAL COPIES OF THE TARIFF BILL

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that 10,000 copies of the bill (H. R. 2667) just passed by the House, may be printed for the use of the House document room.

The SPEAKER. The gentleman from Oregon asks unanimous consent that 10,000 copies of the tariff bill just passed be printed for use of the House document room. Is there objection?

Mr. GARNER. Mr. Speaker, a parliamentary inquiry. If unanimous consent is given to the gentleman from Oregon, will the 10,000 copies of the bill go into the document room and be distributed pro rata to each Member?

SEVERAL MEMBERS. No.

Mr. GARNER. I can not give consent to the gentleman unless they are to go through the folding room so that each Member may have his pro rata share.

Mr. HAWLEY. Then, Mr. Speaker, I will modify my request and ask that 10,000 copies of the bill be printed and distributed through the House folding room.

Mr. CHINDBLOM. That is, in addition to the usual number for the document room?

Mr. COCHRAN of Missouri. Mr. Speaker, I want to say that if the gentleman from Texas will go to Mr. McKee, superintendent of the folding room, he will find that not one-half of the copies of the revenue bill placed to the credit of Members will be taken out of the folding room.

Mr. GARNER. I am sure the statement of the gentleman from Missouri is correct, but there are a lot of Members who will want to distribute their full quota, and if they go to the document room they are exhausted before a Member can get his full number. I think it is better to distribute them through the folding room.

Mr. TILSON. It is rather a complicated matter to distribute through the folding room. They have to keep a ledger account with each Member. I suggest as a matter of compromise that 5,000 copies be distributed through the folding room and the other half through the document room.

The SPEAKER. The Chair would like to make a suggestion. Where so large a number of copies of a bill are involved the printing should be authorized by a resolution from the Committee on Printing accompanied by an estimate of the cost. That is the law.

Mr. GARNER. May I suggest, Mr. Speaker, in the interest of Members of the House that the gentleman from Oregon withdraw his request.

Mr. HAWLEY. I have offered this request because there are a lot of demands for copies of the bill, and I thought that an agreement might be reached.

The SPEAKER. The law is very clear on the subject, the law requires that it must be done by joint resolution if the cost is more than $500. The Chair thinks in this case it might exceed $500. At any rate it is a very large number.

Mr. GARNER. I renew my suggestion that the gentleman relieve the Chair by withdrawing his request.

Mr. HAWLEY. The gentleman from Texas is very considerate of the Chair, and I will be equally so. [Laughter.]

THE TARIFF BILL

Mr. COLE. Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point a statement on the tariff bill.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks by printing a statement of his own in the RECORD. Is there objection?

Mr. WINGO. Mr. Speaker, are not these post-mortem statements already authorized?

The SPEAKER. The Chair would think that a statement in writing is authorized.

Mr. WINGO. I thought so. I shall not object. I thought the gentleman already had authority.

Mr. COLE. Mr. Speaker, under the leave to extend my remarks in the RECORD I include a statement by myself relative to the tariff bill.

The statement is as follows:

MAY 27, 1929.

Hon. WILLIS C. HAWLEY,
Chairman Ways and Means Committee,
House of Representatives.

MY DEAR MR. HAWLEY: Knowing your own friendly attitude toward the item of blackstrap, I am going to submit to you for consideration when the tariff bill comes back from the Senate with this error, I hope, corrected in the interest of agriculture.

On the direct issue we won yesterday, 132 to 130, but that narrow margin was later wiped out, due to a parliamentary situation that was not understood by all who voted adversely. That vote showed that this item was not without friends in a house where all sincere believers in protection should have been its friends.

The defeat of the Hull amendment, increasing the duty on blackstrap from 2 to 8 cents a gallon was wholly indefensible from the standpoint of a protective tariff and in direct contravention of the purposes for which this special session was called.

By that vote it was decreed that all the alcohol used for industrial purposes, which are legitimate and legalized purposes, must be made from foreign waste products, while millions of bushels of low-grade corn, which might be so used, must be denied a market. Markets that belong to American farmers have been turned over to international junk dealers in foreign products.

Blackstrap is a low-grade, nonedible molasses. It was formerly dumped into the sewers. Later use was found for portions of it in mixed stock foods and for such uses it had a market value of 3 or 4 cents a gallon and was admitted under a nominal tariff duty of one-sixth of a cent a gallon. More recently it has been converted into industrial alcohol. Because of its cheapness and accessibility it has now almost driven corn out of the distilleries.

Enormous profits have been made out of such manufactures. I am told that many men have become millionaires out of it. They have not only appropriated the distilling business of the country but they have now formed international syndicates, with headquarters in London as well as America, which have obtained control of practically all the com-

mercial blackstrap of the world. Even the cane wastes of far-away Java have been optioned for 25 years.

There is no other monoply that is so exclusive or powerful. These exploiting capitalists and syndicalists have no more interest in the American farm problems than so many Hottentots have in the Einstein theory. They gloat in their strength, and they can now boast that they have persuaded the House of Representatives, which ought to represent the American people, to guarantee them in their monopoly.

The House of Representatives has unwittingly, and in this word I am charitable, vested in these international syndicalists the power to levy tribute on the stock feeders, the dairymen, and even the poultry men of America. All these producers find use for this cheap molasses in their mixed feeds. What was normally worth 3 or 4 cents a gallon has now been advanced to 12½ cents a gallon. The amount of this tribute is considerable, for nearly 100,000,000 gallons are used in feeding.

The corn growers are not only deprived of a legitimate market for their inferior grades of corn, but they are now taxed on their stock foods, and all to enrich a gang of international junk dealers who bring the offal of the world fo the ports of America, and that without a compensating tariff duty.

All that the corn growers have asked is a duty on this imported stuff that will at least enable the corn distillers to compete with the molasses distillers. That request was denied them. I can not believe that it was done with knowledge of the consequences.

It was argued that we do not produce blackstrap enough in this country to bring it under the protective tariff. But might not like reasoning have been applied to sugar? But if we will think of blackstrap and corn in terms of industrial alcohol, we can come to no other conclusion than that they are competing products and therefore in the domain of tariff legislation, if such legislation is to be impartial.

The pathetic appeal was made on the floor that to make industrial alcohol from corn might increase the cost of an ingredient, an ounce of which may be put into a mixture in a bottle that sells for $1 at retail. What sophistry! Three Michigan Members who had just received benefits for their State by an increased tariff on sugar told us that to make alcohol from corn instead of molasses might increase the cost of making automobiles in Detroit by so much as 30 cents a car—$1,000,000 on 3,000,000 cars, I think, was cited.

What a terrible catastrophe that would be! But is it not true that if the farmers are to receive a little more for their labors some one must pay a little more for their products? May not some one have to pay something more for sugar to help the sugar industry? May not some one pay something more for textiles to help that industry? Why draw the line where great manufacturing concerns have to pay a little more?

But as if to add insult to injury, the duty originally recommended by your committee, of 2 cents a gallon was remitted to the benefit of the international syndicalists. That 2 cents meant to them $5,000,000 a year in cash. It will go into their rich pockets. Not a cent of it will be reflected back to the stock feeders who use this molasses.

This item of blackstrap, which may well become a national issue, has also an industrial bearing in the Middle West. The international syndicalists have wrecked what was and might be an important manufacturing industry in the Corn Belt States. They have dismantled factories in Illinois and other States, and removed them to the Atlantic seaboard. And yet some Illinois Members acquiesced in this industrial raping.

It was argued that synthetic alcohol would soon displace grain and molasses alcohol both. Then, why were the molasses men so anxious to keep the corn growers out of the field? Why did they spend such vast sums for literature and lobbyists to maintain their iniquitous monopoly? That is the true moonshine of the distilling world. From corn at present prices alcohol can be made for 36 cents a gallon. That is certainly cheap enough and at such prices and with such merits as grain alcohol has they need not fear any kind of competition.

I am submitting these facts to you for further consideration should the Senate in its wisdom, in its devotion to agriculture, and in the possibilities of free discussion, see fit to undo the wrong that has been perpetrated by your committee and the House.

Sincerely,

CYRENUS COLE.

ADDRESS OF HON. THOMAS A. JENKINS, OF OHIO

Mr. HOLADAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a copy of an address made by our colleague the gentleman from Ohio, Mr. JENKINS, over the radio last evening.

The SPEAKER. Is there objection?

Mr. HUGHES. On what subject?

Mr. HOLADAY. On the question of national origins.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOLADAY. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include an address delivered by Hon. THOMAS A. JENKINS, of Ohio, over the radio, May 27, 1929.

The address is as follows:

NATIONAL ORIGINS

Almost every immigration question is full of human interest and is widely discussed. The national-origins question now pending before Congress is no exception to this rule. In the discussion of human-interest questions the fountains of sympathy are frequently tapped and the fires of hatred are sometimes kindled. Those who discuss the national-origins question are quite liable to be moved by some considerations of bias and personal feeling. We should be actuated by a motive to ascertain and do what is best for America, and not what is best for the foreigner who has not yet arrived, and not what is best for the country from whence he expects to come. We owe every country fair consideration, but we owe our own country true allegiance.

There is no question but that restriction of immigration is a well-accepted and permanent national policy of our country, although there are some who refuse to subscribe fully to this policy, and some of them are in the National Congress. "Keep America American" is a great sentiment. It is worthy of acceptation.

From our early history it was the policy of our Government to welcome to the "land of the free" the people of all countries. While our country was new we assimilated immigration readily, but when our frontiers passed from actuality into song and chronicle we could expand no further. We could not assimilate an annual immigration of approximately 2,000,000 people. We then changed our policy. In no other case has our Government made a more complete change of policy than in its control of immigration.

The control of immigration involved a new question. Total exclusion was not wise, hence some plan of restriction was necessary. Already the criminal, the anarchist, and the unfit were being excluded. In the selection of immigrants it was considered that national boundaries must be observed and that the friendship of the nations must not be endangered. This would compel the adoption of some plan that would insure equity to all nationalities. With this idea in mind Congress passed the quota law in 1924.

THE 1924 LAW

This law provided for two plans—a temporary plan to continue until July 1, 1927, and a permanent plan known as the national-origins plan to become effective July 1, 1927. There seems to be a great uncertainty in the minds of people generally just what these plans are and how they work.

This temporary plan provided that each country should have a quota of 2 per cent of the foreign born of that country in the United States as shown by the census of 1890. You may wonder why the foreign born were taken as a basis and the native born omitted; and you may wonder why it was necessary to go back 34 years and use the 1890 census as a basis. I shall attempt to explain this later. This temporary plan would admit 164,000 annually.

The permanent, or national-origins plan, is based on the total population—the native born as well as the foreign born. This plan reduces the number to 150,000 per year. This plan provides that this 150,000 should be apportioned among the several nations in the proportion that their respective blood strains are now present in the blood stream of the Nation taken as a whole. Or, in other words, in proportion to their national origin. This plan is absolutely fair and should not be postponed or repealed. Senator NYE admits its fairness. In his public addresses on last Saturday night he said, "That was the theory of the national-origins plan. Who could complain against such a plan? None dared to; none wanted to." In spite of this strong admission Senator NYE seeks the postponement and repeal of this fair plan.

This temporary plan was not fair or equitable, but since it was only to continue for two years its unfairness was not considered. In fact, it was not discovered at first. Now, all the antirestrictionists and others are seeking to make this plan permanent by postponing and eventually repealing the national-origins plan.

The reason these antirestrictionists wish to repeal the national origins law is that they always oppose all restrictive measures. Any restrictionist in doubt as to his course can safely lay it in the direction opposite to that taken by the antirestrictionists. Probably some Senators and Representatives are moved to favor the repeal of the national origins law because of the presence in their constituencies of large blocks of foreign born whose votes and influence are needed. By the same token, Senators and Representatives, whose constituencies are made up of Americans who want to keep America American, should take note of the fact that every patriotic organization in America is opposed to the postponement or repeal of the national origins law. In this list is the great American Legion, the Daughters of the American Revolution, the Sons of the American Revolution, the Gold-Star Mothers, the Woman's Home Missionary Society of the great Methodist Church, 400,000 strong, the Junior Order of the United American Mechanics, and about 100 other patriotic organizations. Every organization in the country favoring restriction of immigration is also opposed.

Why were the foreign born accepted as a basis of this temporary law? A system that would count the foreign-born Turk, who had just

landed and fail to count the native-born man whose ancestor fought with Washington, would never be permanently acceptable to our people. The 1924 law was the result of a long effort by the restrictionists to get some relief. They were so pleased with the prospect of the national-origins plan which was championed by the greatest scholar of his day in the Senate, Henry Cabot Lodge, that they were willing to accept almost any plan to cover the short time required to make the study for the permanent plan. The old 1921 law was based on 3 per cent of the foreign born of the census of 1910. It was only natural to accept a similar plan for two or three years more until the permanent plan could be perfected.

Why was the 1890 census taken as a basis of this temporary plan? Why go back 34 years? It would have been the most logical to have taken the census next preceding the time of the passage of the law. If the 1920 census had been accepted Italy would have had a quota of 20,000, while Germany would have had a quota of only 20,960, and Great Britain would have had only 17,000, being 3,000 less than Italy. The 1920 census would have been too favorable to Italy and southern Europe. When that census was taken the number of foreign-born Italians was large, because the wave of Italian immigration had been high for the 20 years preceding 1920. If the census of 1820 had been taken as a basis, no doubt the English quota would have been very high, for the early immigration was largely from Great Britain. The great wave of German immigration set in after 1820. It was probably at its crest about 1870, and the census of 1890 would be very favorable to Germany. It was so favorable to Germany that while only 17 per cent of our population was of German national origin, Germany was allowed 31 per cent of the immigration under this temporary plan. It is plain that any census taken by itself is not a fair cross-section of the population. Because this temporary plan adopted the 1890 census as a basis and because that census favored certain nationalities is hardly a good reason why these nationalities should refuse to be willing to give up this unfair advantage. I am afraid that this is the real reason for much of the clamor for the repeal of the national-origins plan. This reason actuates the nationals of these favored countries to exert their influence to retain these large quotas. The influence of interested constituents reflects itself in the actions of their Senators and Representatives.

Under this temporary plan Germany's quota is 51,227. This is 31 per cent of the total quota. The German stock is only 17 per cent of the population. The Irish Free State's quota is 28,567, or 17½ per cent of the total, while the Irish Free State's stock is only 11 per cent of the population. The quota of the whole of England, Scotland, Wales, and North Ireland taken together is only 31,077, or 20 per cent, while the stock from these countries is 43 per cent of the total population. If an early census had been accepted it would have given a preference to Great Britain, for the population then was largely from the British Isles. A late census would have given a preference to southern Europe, and the 1890 census favored those countries whose waves of immigration reached their crest in 1890. An average of all these censuses would be fair, and that is what the national-origins plan provides.

I am frequently asked, "How are the national-origins quotas determined?" I am also frequently asked how the national origin of an individual is determined. The law itself specifically provides that it is not necessary to trace the line of descent of the individual citizen. The language of the law on this point is: "Such determination shall not be made by tracing ancestors or descendants of particular individuals but shall be based on statistics of immigration and emigration, together with rates of increase of population as shown by successive decennial United States censuses, and such other data as may be found to be reliable." The law further provides that the Secretary of State, the Secretary of Commerce, and the Secretary of Labor shall determine the quota each country should be allowed and that they should call to their assistance such experts from the Census Bureau as they might need. They have done this, and these experts have made this exhaustive study not from one single census of the foreign born only but from all the censuses of both native and foreign born. Misleading statements have been made to the effect that this compilation was based on the 1790 census. Fair consideration has been given to the 1790 census, but it was given only its just consideration. It is claimed that this census is not accurate, but census experts claim that it is as accurate as our later census and probably more accurate. These experts give their reasons for their claim.

A study of all the censuses, together with any other reliable information, was made by these experts. As a result of this study the quotas under the national origins law are all made and will become effective on July 1 unless the antirestrictionists and their allies are successful in forcing a repeal of this law. A postponement for one year was authorized by Congress in 1927. This was because the experts had not concluded their studies to their own satisfaction. A postponement was granted in 1928 because of the imminence of a presidential election and neither party was anxious to force matters and because the experts had not yet fully completed their surveys. Another postponement was attempted in the closing days of the Seventieth Congress on Sunday, March 3, 1929, but that attempt failed. Another attempt is now being made, and, although the Immigration Committee of the Senate by a majority vote refused to vote out the Nye resolution of postponement, an effort will be made in the United States Senate in a day or two to override the Senate committee. Already the mail of Senators and Congressmen is heavy with protests.

It has been argued that the putting into effect of the national-origins quotas will be attended by confusions in departmental work. This argument is unfounded and unreasonable. A change in the quota of any country would be effected by a notice to the consuls handling the quotas in that country. Adding to or taking from a quota is an easy matter for our departments. The only hardship will be that felt by a prospective immigrant in a country whose quota is reduced and whose turn to procure immigration papers might be delayed somewhat. Mr. White, First Assistant Secretary of Labor, disposes of this argument by his testimony before the Senate committee to the effect that the Labor Department could put the national origins law into effect without any friction or trouble. It is claimed that the national-origins quotas are not accurate. Doctor Hill, recognized as the greatest census expert in the country, and who is responsible for the majority of this national-origins survey, testified in effect that the quotas under the national origins law are accurate. In answer to a question propounded to him on this point by Senator HIRAM JOHNSON, Doctor Hill said, "I think we are about as near accuracy as we can get."

The national origins law was duly passed by the National Congress and was proclaimed as a great piece of legislation. It is fair. It is accurate. It counts the stock of those who fought with Washington as well as those who have just arrived. It will be easily administered. All preparations have been made for it to go into effect on July 1. The American Legion favors it. Every patriotic organization favors it. The American citizens who want to keep America American should use every reasonable means to prevent its repeal. Repeal means a backward step and a victory for those who have always opposed restriction of immigration.

ADDRESS OF SENATOR REED, OF PENNSYLVANIA

Mr. BOX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein an address delivered by Senator DAVID A. REED over the radio on the 10th of May.

The SPEAKER. Is there objection?

There was no objection.

Mr. BOX. Mr. Speaker, under leave granted me by the House, I extend my remarks by printing in the RECORD an address of Senator DAVID A. REED, Republican, of Pennsylvania, made May 10, 1929, over a coast-to-coast network of the National Broadcasting Co. system. Thirty-one stations associated with the National Broadcasting Co. broadcast the talk. Senator REED'S subject was National Origins. He spoke from the Washington studios of the National Broadcasting Co. His speech follows:

NATIONAL ORIGINS

In recent months our newspapers have printed many dispatches from Washington telling of the controversy over the national-origins clause of the immigration law. But I have been surprised to discover how little the proposition is understood. To my mind the whole future of America depends upon the preservation of a sound immigration policy and that is my excuse for the brief talk that I am giving this evening.

As you know, we have been limiting immigration throughout the past eight years and we must continue to limit it unless we are willing to see a great increase in unemployment. Our population is sufficiently large to develop our country and carry on its industry and any considerable increase in population through immigration is bound to have an ill effect on American wages and American standards of living. America to-day is the magnet that attracts people from every land and unless we maintain our immigration policy the number of newcomers will be limited only by the number of ships that sail the ocean. I believe that the policy of restriction has been approved by the sober judgment of our people and that we must do all in our power to sustain it.

If, then, we are going to hold immigration down to a limited number of persons, the question arises at once how we are going to apportion that number among the millions of persons who desire to come.

As a temporary expedient we have been dividing the number up into immigration quotas for the various countries first in proportion to the number of foreign-born persons who were tabulated in the census of 1910 and later according to the foreign-born persons tabulated in the census of 1890. As a temporary expedient this was perhaps well enough, but it seems obvious to me that it should not be used permanently, because it ignores all of us who were born in this country; and surely we have as much right to be considered in the make-up of the quotas as has the most recently arrived unnaturalized European. And so, in 1924, Congress provided that the experts of the Census Bureau, of the State Department, and the Department of Commerce should make a study of the national origins of the whole white population of the United States, and that, when that study had been

completed, the immigration quotas should be divided in accordance with the findings of these experts. For five years their study has continued and has now been completed. Of course, they have not tried to trace back the ancestors of particular individuals, but they have used all the population figures of every census, they have taken our immigration records as far back as we have any record of immigration, they have studied the make-up of our population in the colonial period, have studied the foreign statistics of emigration from many European lands, and their report is made with confidence in its accuracy. It is not simply based on the census of 1790, as some of its critics have mistakenly said. It takes all the facts there are, and then apportions the new quotas in strict accordance with our racial make-up. It will go into effect on the 1st day of next July. It seems to me to be obvious that this method is the fairest that has been suggested. It means that each of us has exactly the same representation in the quota. It does not assume that one of us is better than another. It means that each year's immigration will be in miniature a counterpart of the whole population of our country. In other words, America has decided that it will not permit its racial composition to be changed by immigration. We are strong enough to prevent our land from being conquered in war time; our duty now is to prevent its being invaded and dominated by peace-time immigration.

I have tried to describe what the national-origins system is; now let me say a word about the controversy which rages around it. Obviously, under the temporary method of apportioning the quotas according to the foreign born only, some nations were bound to get more than their share, according to the particular census that we were using. The nationals which get more than their fair share are, of course, reluctant to see that advantage disappear, and it is from the people of these groups that the whole of this agitation against national origins has sprung. For example, we know that 17 per cent of our population is of German origin. That is the figure that they themselves have claimed and that is the figure arrived at by the experts of the quota board. In fairness, Germany should then have 17 per cent of each year's immigration, but inasmuch as she now has 31 per cent under the temporary foreign-born method, the German groups throughout the United States and the German steamship companies have stirred up a tremendous pressure upon Congress and the President to continue the present system. All of us, I think, recognize that the immigration we get from Germany is of excellent quality and I am sure that we do not want to discriminate against them, but surely there can be no justification for continuing in their favor a system which gives such disproportionate results and is justly subject to the charge of unfairness by other nations. There is no time to-night to go into detail as to the character of the opposition to the law, the motives which prompt it, and the methods employed to defeat the national-origins clause. It can be demonstrated, however, that the opposition is due almost entirely to alien viewpoints, alien influences, and alien sympathies, masquerading in various guises and able to exert an enormous political pressure. If it were not for political expediency and the assumed necessity of catering to hyphenate groups in our present population, there would be no thought now of repealing the law. This is something that every American should clearly understand. The pressure for the repeal of this law comes not from Americans but from those whose first loyalty is to some other country than this, or who at best possess a divided allegiance. Nations may be destroyed in one of two ways—from within or from without. We are too strong to be attacked from without, even if there were those who would like to attack us. Our danger lies within, and it is to prevent it from becoming serious and actually threatening our institutions that Congress wisely has said, first, that immigration shall be restricted, and, second, that it shall be restricted in such a manner as to preserve our present racial balance while we attempt to assimilate the alien elements now in our midst.

That is what the national origins law does, and all it does. It apportions to each European nation a share of our annual immigration equal to its proportionate representation in our total population. It says to the Germans: "Your predecessors and their descendants account for 17 per cent of our entire white population. Therefor you shall have 17 per cent of our immigration." To the inhabitants of England, Scotland, Wales, and Northern Ireland it says: "You shall have 42 per cent of our immigration because 42 per cent of our own people are of the same stock." Similarly with the Irish Free State, which will have 12 per cent of our annual immigration; and the Scandinavian countries, and Russia and Poland and Yugoslavia and Czechoslovakia and Italy and all the countries of southeastern Europe—each will be represented in the exact proportion of its representation in our present population, as ascertained by scientists and experts working under the direction of the Council of Learned Societies and by authority of Congress.

We do not say: "This racial stock is better than that." We do not pass judgment on the relative merits of national groups. We simply say: "This is our present situation. This is what we have now. Let us hold what we have and give everybody equal representation in our future immigration until we see where we come out."

We have learned by experience that the process of Americanization is not completed when the immigrant learns our language, nor even when he completes his citizenship. It takes a new viewpoint, a new loyalty, a new faith in the country to which our friends from across the Atlantic come to better their condition. Unless their change of residence results likewise in a change of allegiance to the extent that they learn to think and act as Americans and not as Europeans domiciled in this country they are not Americans at all.

Almost 100 patriotic organizations throughout the United States have formally recorded their support of the national origins law. The American Legion is behind it, the Daughters of the Revolution, the Daughters of 1812, and scores of others. They are doing what they can to counteract the hyphenate influences at work to force a repeal of this all-American measure.

But best of all, these are growing indications that the great mass of Americans, who think more than they talk, have discovered the issue as their own. They have come to see that it touches each home and each individual, and that it will affect in turn their children and all the succeeding generations of those who call themselves Americans.

THE PROBLEM OF UNEMPLOYMENT

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of the unemployment problem, in connection with a joint resolution introduced.

The SPEAKER. Is there objection?

There was no objection.

Mr. PITTENGER. Mr. Speaker, I believe that the unemployment problem is a proper subject of legislative inquiry, and I feel certain that legislative action will be required to meet it. While agriculture relief and tariff changes may help the situation, such legislation can not wholly solve the question. I have introduced a resolution calling upon the Department of Commerce and the Department of Labor to investigate the matter, and to submit proposed legislation and remedies for this problem. In the resolution I have provided that in the taking of the census, the Bureau of the Census shall collect data relating to unemployment in this country.

In speaking of the unemployment problem, I refer to a condition brought about in recent years, resulting from the rapid changes in our economic, industrial, and business life. This unemployment problem, as our modern civilization knows it, did not exist 20 years ago. It is with us now, and will be with us so long as the present structure of society is in existence.

In the early days, in the development of America, the circle of opportunity was an expanding one. There was the undeveloped West, with free land and fertile prairies, for men seeking opportunity. Overcrowded industry, such as it existed in those days, could always find an outlet.

To-day there is no such room for freedom, for expansion, for the building of new railroads, and the development of new enterprises, and the founding of new cities. The field of opportunity is fixed and definite, and the circle of possibilities for the ordinary man is a diminishing one. The man out of a job to-day lives in a different world than did the man 20 years ago. I briefly call attention to some factors that have contributed to this result.

It may be commonplace to call this the age of specialization. But the term as related to the unemployment problem has deep significance. In this industrial age men are trained to do one thing. They are valuable in one line of work and of no account in another field of endeavor. A slight change in or the elimination of one line of industry may result in thousands of men finding themselves no longer needed. Highly specialized, they find their years of training of no value in other fields of human endeavor. They are unfitted for the battles of life.

Then within a period of time, so brief that we hardly realize it has taken place, the consolidation and concentration of industrial and business establishments, everywhere and in every line, has completely changed our economic structure. It has moved with startling rapidity. We must face the new era, and there are some who tell us that this is only the beginning. The "chain-store" idea best illustrates what I mean. In every field of human activity, banking, manufacturing, and so forth, the old structure has been or is rapidly being eliminated. The days of community independence are disappearing. Some think they have gone, never to return. It is truly a revolution in the industrial scheme of things. The consolidations and other features of the new order have contributed to this modern reality which I call the unemployment problem. The workman who finds himself discarded in the new industrial order faces a different situation from that which existed 20 years ago. Then there were other industrial units and other lines of business offering him opportunities to make a living. Now he finds only one unit, or one business enterprise, instead of many, where he is able to "fit in" and find a place. He is truly discarded.

Hand in hand with the changes that have given us a new structure of society is the displacement of labor in industry by labor-saving machinery and improved methods. The pro-

ductivity of railroad labor in the United States, measured by the average number of traffic units per employee, has increased about 40 per cent since 1915, and about 150 per cent since 1890. Taking pig iron as another illustration, we find that production in this field has increased as follows:

Production per worker

Year:	Tons
1850	25
1904	470
1909	671
1919	811
1926	1,179

I might multiply illustrations to show that fewer and fewer men, with the aid of improved machinery and methods, are producing more and more goods.

In the rubber manufacturing industry, in a given period of 10 years, the average production per man employed has increased 211 per cent. In the automobile industry the average production per man has increased in a 10-year period 172 per cent.

In 1913 a factory worker would make 500 razor blades. He now turns out 32,000 razor blades in the same length of time. In the bottle-making industry one man who once turned out 77 bottles now turns out in the same given time 3,000 bottles.

I do not overlook the fact that new industries in many cases absorb the men displaced in other industries. If this were not true, you can draw your own conclusions as to what would have happened in this country. But we do have a serious problem here presented.

What have we to say and what has the Government to offer to the man with a family, unable to obtain employment, and willing to work? To such a class, and we have it, society has an obligation. He ought to have an opportunity to keep his family from want. Anything that Congress can do to bring about that result is worth while.

Then there is another phase of this question that is of vital importance. Modern industry no longer has a place for the middle-aged or old man. Their ranks, I believe, under the new order, are rapidly increasing. They are able-bodied. They are willing. But the tremendous speed with which modern industry moves causes them to be cast aside for youth and energy.

In these brief remarks, I do not seek to offer a solution of a problem which new conditions have presented to us. But the solution will have to be found. The question will have to be faced. Sound theories and sound methods of procedure ought to be established in these matters. It is the purpose of my resolution to make a beginning in that direction. If the subject does not have attention, then you may expect false theories and unsound legislative proposals for your consideration.

What do you think of the system of "doles" in England? Would you like to see it tried here? Is it sound? Is it what you want for America? The time may not be far distant when you will have to pass upon this and a dozen other theories and experiments. I submit that it is the part of wisdom to seek the truth and apply it, rather than to wait until we are forced to subject our country to governmental experiments of doubtful value or harmful possibilities. Now is the time for the legislative and executive branches of our Government to formulate a program and to translate it into action.

If some of the propaganda factories in Washington, whose income and expenditures run into the millions, would tackle the unemployment problem with the same zeal they manifest in chasing Utopia at the end of their favorite rainbow, they would be doing something worth while and of lasting value to posterity.

I attach to and make a part of these remarks an article on this subject. It is written by Richard T. Jones, district director of the United States Employment Service, at Minneapolis, Minn. Mr. Jones is familiar with the question, and his discussion is interesting.

His remarks follow:

THE UNEMPLOYMENT PROBLEM

By Richard T. Jones, district director, United States Employment Service Service)

Unemployment is a major problem before the country at this time. It persists in spite of the great social progress made in the last quarter century. Americans have great reason to be proud of the relative conditions of wage earners here and in other parts of the world. We are justified in taking pride because in final analysis the relative better conditions are due to the standards of enterprise, Government principles, and religious convictions maintained by our whole people. But, in spite of the splendid showing as to relative conditions, we are hard pressed by the problem of unemployment. The better the conditions while the man is at work, the worse does unemployment appear, for necessary expenses are set by the relatively high standards of living. If a man could pass quickly from the American standard to, say, the Chinese standard, he could earn enough by working a month to live for an entire year. Such transition, however, is impossible. The workman must be an American workman while out of work as well as while working. Hence while our volume of unemployment may not increase, or may actually show decreases, it is more serious for us than in the days when property values and wages were low.

Thus there is real reason why the American workman complains more bitterly of unemployment to-day than he did 10 or 20 years ago, although the percentage of unemployment is no greater. Another reason why the unemployment problem has become more serious is our advance in social and ethical standards. Professional and business men as well as manual workers have come to feel that unemployment is an evil not to be endured. Just as 70 years ago the ethical sense of the Nation had reached a point where it could no longer tolerate slavery, it has now reached a point where it can not tolerate enforced idleness of breadwinners and the consequent menace to the health and well-being of the family and the community.

The new seriousness attached to unemployment tends to discount the gains made for workmen in other directions, and, unless we give our best thought and effort to relieving it, many untried and unworkable schemes will secure widespread approval. When a people feel desperate about a given problem they are not likely to be thoughtful as to ways and means or as to pleasing their opponents.

American workmen have a right to expect that their Government will do everything it can to aid in this problem. My belief is that they are not particular as to ways and means so long as results are accomplished. Hence, by practical action to relieve unemployment, we can again demonstrate that the American system can do more for workmen than can the schemes of State employment, doles, war on capital, etc., to be found in various parts of the world.

TWO PROMISING METHODS

Let us attack this pressing problem by following formulas in line with the American system and, so far as possible, proved by our own experience:

(1) Restrictions of immigration, as tried during the last 10 years, has had a favorable effect on employment, particularly employment of the unskilled. By refusing to admit hordes of new workmen fleeing from the hard conditions of Europe we have given more opportunities to our own people, and had it not been for the great exodus of people from our rural communities and the growing anxiety about unemployment, the favorable results of our immigration restrictions would have been more obvious.

Undoubtedly we can reduce unemployment by still further restricting immigration, particularly the immigration of Mexicans, and by tightening up our defenses against the illegal immigrant. The immigrant who successfully dodges our too few border patrols and guardians at the ports comes in to take a job away from an American workman, not by superior ability but by being willing to work for less.

Excessive immigration was tolerated for many years on the theory that we needed new workmen to fill up our country. There was also a widespread notion that low wages were good for business. It is now probable that this excessive immigration actually delayed our growth, because low wages are not good for business, and each annual wave of immigration cheapened standards and reduced purchasing power. The country would have been far better off had it had full-time employment for its own people. As fast as the country recovered from the handicap of a million or more out of work another million came in to create a new unemployment problem.

(2) Great progress has been made by a number of our large enterprizes in stabilizing employment, due in part to the splendid interest which the managers of these concerns have taken in their men and in part to the growing public protest against the evil of unemployment. Production used to be carried on without reference to labor. Labor was supposed to have itself in readiness when the employers were ready to open up their factories or to increase production and to withdraw as quickly when employers saw the need of curtailing production or closing the factories. In the last 15 years, however, the more capable employers have realized that the living, capable workman can not be put on the scrap heap intermittently or for long periods without harm to himself and to the business which needs him. Instead of considering alternate bursts of employment and unemployment as a dispensation of Providence we are now largely of the opinion that there is a great inefficiency in unemployment and that industry can be better served by regard for the welfare of those employed.

To mention a few concrete examples: Our railroads have discovered that they do not need to order all their iron and steel for replacements and new construction once a year. By dividing the annual needs into three or four parts they can give steady employment to a decreased number of workmen in the iron and steel plants for the greater part of the year, whereas formerly there was three or four months of intense activity and large crews, followed by many more months of dullness and slackened employment. The steadily employed workmen should be better workmen; the steel corporations should get their work done at less relative labor cost; the railroads should get better service; and the men employed are far better off.

Our construction companies are carrying on far more building construction during the winter than was customary as recently as 10 years ago. This new practice draws fewer men into construction work at the peak of the season and gives those actually in the work a far longer work period. Here again all elements concerned are undoubtedly benefited by the new policy. I have recently heard of a company growing dates in the Southwest, which has greatly increased the employment period of its workmen by putting the dates into cold storage and packing them after the harvesting season is over, thereby the company reduces the crew of workmen it must assemble for its work, and it costs money, of course, to hire a workman and break him into new work, and those who are employed have the benefit of a longer work season.

THE NEW TYPE OF CAPITALIST

Undoubtedly our present production units are much more seasonal than they need to be. They have been built up without regard to the unemployment problem, but now that our eyes are opened, rapid progress should be made.

Whereas formerly an employer was principally a man who could get together enough capital to provide the tools for industrial activity, we are now rapidly moving toward the condition in which the employer must be the leader of an efficient and harmonious working group. The rapid accumulation of capital has taken away the great importance hitherto attached to mere possession of money and given new importance to those who are capable as leaders of labor. Obviously a man who is first of all a leader of labor can not feel happy about employing a crew of men for three months in the year. He knows it is bad for the business as well as for the people whom he asks to labor with him temporarily. In this new type of employer or capitalist we have an agency that can do a great deal to relieve unemployment.

GOVERNMENT SURVEYS NEEDED

This movement toward labor stability could undoubtedly be hastened by well-planned Government aid. The Department of Labor with its labor viewpoint and the Department of Commerce with its understanding of the employer problems should furnish us surveys as to what progress has been made by individual leaders and corporations to promote employment stability. What has already been accomplished would be impressive in total and, together with explanations, such a survey would serve to arouse the interest of those employers not converted to the better attitude. We can not have too much publicity as to what firms are successfully pioneering for greater labor stability and by what methods they are achieving their results. It is a basic principle of our Government to encourage private enterprise rather than to develop State enterprise. Such being the case, let us be sure that we are doing all that we can to encourage private enterprise in sound directions. There is almost need of a regular collection of statistics upon seasonal and other unemployment, as urged by President Hoover in his speech during the recent campaign at Newark, N. J.

PUBLIC-WORKS PLAN NEGLECTED

There has been far too little attention to the earnest plea made by Herbert Hoover, as Secretary of the Department of Commerce and later as our President, to develop a public-works program in relation to employment. The State and city governments, which should be closer to the unemployed workman than is the Federal Government, have none the less showed less practical interest in this method of relieving unemployment than we should like to see. The doctrine of State rights can not be stretched to prevent a State from cooperating with other States and the Federal Government to do what lies within its power to meet the unemployment problem. Perhaps what we have to overcome chiefly is indifference by city and State governments, and the more we can agitate the question of unemployment the more likely are these agencies to respond as they should on the public-works program.

MIGRATORY LABOR

Migratory labor is another group which offers special problems, both because of its long periods of unemployment and because of the conditions when employed. The present Secretary of Labor, Mr. James J. Davis, has contributed a great deal to bringing this matter to the attention of our citizens and there should be more publicity until we can feel that real progress is being made.

In a recent report Mr. Davis says:

"In the improvement of working conditions generally there is one American worker who is sadly handicapped. He is the so-called migratory worker—the lumberman, the harvest hand, the cannery employee, the fruit picker. As a class these migratory workers are generally of a high type of citizenship. The bulk of them, so far as can be ascertained, are native-born Americans. They perform a service vitally necessary to the country's prosperity and they work under the most adverse conditions. On an average their earnings are low. Their days of employment during the year are comparatively few. They must finance themselves through long periods of idleness. The men in the lumber industry and those who work in the harvest fields may be seen when their season of employment is over haunting the slums of our great cities, eking out a precarious existence, undernourished, and sleeping in the cheap lodging house. We might do well to attempt something for their relief. Their number is large, for it is estimated that in harvesting the grain crops alone 400,000 men moved through the Wheat and Corn Belt of the Middle West last fall. It has been suggested that means might be found to insure the employment of these men in some other industry when their season of regular work has closed. At present we are without sufficient facts upon which to deal with this problem properly. Here, too, I would suggest a complete investigation."

FARMING AND LABOR

In our Northwest, employment of labor is interwoven with farm conditions and the development of the natural resources of the section. When farm conditions are good, not only is farm labor better employed but the labor in cities and towns. And as new developments come, either in increase of steady farm operations or additional use of natural resources, labor tends to be better employed. The shift from grain farming to animal husbandry in our State has not only given the farmers year-around employment but far steadier employment for farm hands and for the small industries and stores in the trading centers. Migratory farm labor is much more in evidence in those States, which have made comparatively small progress in diversification.

The manufacturing of our Northwest depends more on the back country for its market than does any other manufacturing section in the country; hence we can say that whatever tends to improve farming conditions in this section will be an aid in reducing unemployment and stabilizing employments generally.

In this connection I would like to point out that the rural editors of three of our Northwest States have sponsored a plan or summary of farm legislation, known as the Minnesota plan, in which one can find many items that will relieve our unemployment problems as well as farm problems. To refer to a few of the items in this plan:

(1) The development of the Mississippi and St. Lawrence waterways would not only provide considerable construction work but a better means of getting bulk supplies, such as coal and iron, to the factories of the section, and a better means of getting the products of these factories to distant markets. In so far as the waterways reflect improved farm prices, labor in the towns and cities would be helped.

(2) The demand for adequate protection of farm products raised in the Northwest, if acted upon by Congress, will greatly increase the amount of work available in that section, particularly by increasing the returns on animal husbandry and lengthening the days of labor on the farm. Obviously if the coast markets draw their dairy products, poultry products, meats, and oils of various kinds from foreign countries in increasing quantities, the work available in the Northwest will be decreased. I can add little to what has been said by other more able speakers in behalf of farmers on this issue, except I would like to note that such protection would have a secondary effect on labor in the towns and cities of considerable importance. It is a mistake to consider labor simply in the rôle of consumer of farm products. A prosperous farming will increase the demand for the products of labor, and labor must first of all have regard for its position as a producer of wealth and competition (both between sellers in the one line and between commodities) will tend to keep the prices of what labor has to buy for maintenance on a reasonable level. If beef is too high, we can eat pork, but if wages are too low we can eat neither.

(3) The Minnesota plan sponsors also ask the Government to encourage in every way possible the utilization of farm by-products. In so far as these by-products or wastes can be utilized, they require small town factories, which in turn will utilize better the idle labor of our small towns and of farm hands unemployed during the winter months. There is a great deal of unemployment of this kind not recorded, but nevertheless of serious social consequence. There is great social gain in keeping this labor in its native towns and well employed. It is commonly unfitted to cope with metropolitan conditions and tends to depress wages for labor generally. Everything that society can do, either by the protection of farm products or by stimulating the use of farm by-products, to keep this labor in the country is a service to both rural and city labor.

(4) The problem of reforestation is of serious concern to the whole northern section of my State, and particularly of the northeastern section, which I have the honor to represent. A great deal of this land is better suited for growing forests than for farms under our present conditions and as conditions are likely to be for the next 50 years. Not much imagination is required to visualize the effect of a serious reforestation policy on the welfare of our labor, both in the maintenance of resources for our saw mills and paper mills, in the care of the forests themselves, and in the amount of pasture that can be made available for herds of cattle, sheep, and goats.

MORE HOME RAW MATERIALS

The country is showing increasing concern over the displacement of labor by machines. Perhaps the amount of this displacement is exaggerated because the fear has been with us since the first power spinning and weaving were inaugurated. Each of the new major inventions has thrown many men out of work, but has also created an immense amount of new labor. The automobile, for instance, has displaced some

9,000,000 horses and mules, but it has also called forth the enormous petroleum industry, automobile service stations, oil stations, hard roads, etc. New machinery takes the place of glass workers, but new demands for glass bring the total of those employed in the industry close to what it was under manual operation. But there is great temporary displacement from this source as, for instance, just now the theater musicians are widely displaced by the talking pictures—perhaps we are now in a period where there may be some permanent displacements, and I would like to call attention to the possibility that drawing more of the resources for our factories from our own territory might be an important solution for this displacement problem. Increasing the amount of such raw material as could be drawn from our farms would greatly increase the amount of employment available. As we get close to such raw material, machinery becomes of less importance relatively and labor more.

It is a law of nature that men must work. The more work we have for them the better their condition will be. In general, it does not make so much difference where the work is increased in our country so long as it is increased. We can remove the labor surplus in the cities by increasing rural employments, both by keeping rural labor from drifting into the cities and by deflecting some city labor to the country, but more important than these, by increasing the rural demand for city-made products. In our particular section the city factories could do an enormously increased business in such commodities as combine reapers, plumbing supplies, tractors, new automobiles, lumber and paints, if the farmers in the back country had the ability to increase their purchases of these commodities.

PARTY AT WORK ON PROBLEM

In the recent campaign President Hoover delivered a speech at Newark, N. J., which contained the following statement bearing upon the subject of unemployment:

"When we assumed direction of the Government in 1921 there were five to six million unemployed on our streets. Wages and salaries were falling and hours of labor increasing. Anxiety for daily bread haunted nearly one-fourth of our 23,000,000 families.

"The Republican administration at once undertook to find relief from this situation. At once a nation-wide employment conference was called. It was made up of representatives of both employers and employees. I had the honor to be chairman of that conference. We set up a program for the systematic organization of the whole business community to restore employment. By means of immediate institution of public works, the extension of financial aid to industry during the critical period of readjustment, by cooperation of employers, and by a score of other devices, we started the wheels of industry turning again. We did not resort to the expedients of some foreign countries, of doles, subsidiaries, charity, or inflation—all of which in the end are borne by the people."

President Hoover further stated that within a year work was provided for the major portion of those unemployed; and were it not for sound governmental policies and wise leadership, employment conditions in America to-day would be similar to those existing in many other parts of the world.

I believe that our citizenship may rely on Herbert Hoover to devote his splendid abilities to the solution of this important labor problem. "At one time we demanded for workers a full dinner pail," said President Hoover. "We have now gone beyond that conception. To-day we demand larger comfort and greater participation in life and leisure."

Due to the efforts of the Republican administration of the last eight years, in which Mr. Hoover played an important part, there is a new conception of the relationship between employer and employee. The best minds among our industrial and labor leaders are giving serious attention to the problem of unemployment. Large employers have adopted a new attitude toward this question. Effective means are being employed to reduce seasonal unemployment in those industries usually affected by it. Seasonal unemployment costs this Nation $2,000,000,000 a year, according to a statement made by Mr. Sam A. Lewisohn, director of the Equitable Life Insurance Co., at a hearing held recently by the Senate Committee on Education and Labor. He estimates that we could reduce our normal number of unemployed from 1,500,000 to one-half that number if industry generally would take steps to meet the situation by introducing supplementary lines. A manufacturer of farm and garden implements, for example, might introduce the manufacture of sleds in order to balance that business and keep the men at work the year around.

The present administration will, I am sure, approach the problem with a sympathy and understanding which will result in as near a solution as can be achieved by human effort. In this it will have the cooperation of industrial and labor leaders to an extent heretofore not experienced. The American people are going to see to it that this vitally important problem is solved and that involuntary unemployment is reduced to a minimum. Adequate employment for all who are able and willing to work and fair wages and a high standard of living form the basis for this Nation's continued prosperity.

EXTENSION OF REMARKS

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein two very short letters from the soldiers' home in Ohio, with reference to two Senate bills, S. 494 and S. 667.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing two letters from the Ohio Soldiers' Home. Is there objection?

Mr. UNDERHILL. Mr. Speaker, I object.

EXTENSION OF REMARKS—THE TARIFF BILL

Mr. KELLY. Mr. Speaker and Members of the House, in view of the barrage laid down against various items in this tariff readjustment bill from both sides of the House, no one will claim that it is infallibly correct in every particular. Without any doubt there are rates which are inadequate and there are other rates which are excessive.

No other result is possible where so many items are considered. There is no body of men on earth who can sit down and in six months or a year write a complete tariff bill which shall be just in all respects. That is humanly impossible.

Tariff history since the very beginning in 1789 shows that the average duration of a tariff measure is about seven years. That is exactly the period which has elapsed between the Fordney-McCumber law and this one. No sooner has one of these measures been enacted than injustices and inequalities have been pointed out. Changing business conditions have made rates which were just and proper at the time of enactment too high or too low within a few years.

Many times party reverses have occurred as a result of tariff bills, and the opposing party undertook to rewrite the tariff, only in turn to meet defeat at the polls.

Every year sees our business organization greater and more intricate, until tariff revision to-day is the most complicated of all governmental problems. More and more exactness of adjustment is necessary.

For my part I believe that this Hawley tariff readjustment bill, no matter what criticisms may be justly made against it, furnishes a basis from which may be worked out just and adequate tariff rates in every schedule.

The provisions for a real tariff commission carried in this bill will make possible readjustments which justice demands. For that reason I count the Tariff Commission feature of this bill the best part of the measure.

For 60 years and more it has been recognized that it is a fundamental principle of American Government that a question such as the tariff, difficult of determination, and involving conflicting interests, should be referred, in some phases at least, to a board or body of skilled, competent men, devoting themselves to that problem and nothing else.

Before the Civil War was over Congress created an outside body of help in tariff legislation. That was the Revenue Commission of 1865 and consisted of three men appointed by the Secretary of the Treasury. The commission went into tariff and internal revenue laws and made a report on modifications in 1866. The Ways and Means Committee followed its suggestions in large measure.

In 1882 Congress provided for a new tariff commission which was to consist of nine commissioners chosen from civil life, whose duty it should be—

to take into consideration and to thoroughly investigate all the various questions relating to the agricultural, commercial, mercantile, manufacturing, mining, and industrial interests of the United States, so far as the same may be necessary to the establishment of a judicious tariff, or a revision of the existing tariff upon a scale of justice to all interests.

In 1888 Congress ordered the newly created Department of Labor to determine the cost of producing articles at that time protected by tariff duties in the leading countries where such articles were produced.

In 1909 Congress authorized the President to employ such persons "as may be required to assist him in the discharge of the duties under certain provisions in the Payne-Aldrich Tariff Act which established maximum and minimum rates."

More and more complicated grew the tariff rates and more and more necessary became the establishment of a real tariff commission. In 1916 a tariff commission was authorized to consist of six members, not more than three of them to be members of the same party. This commission made many reports in the tariff information series and investigated the customs duties in many countries.

In the tariff law of 1922 Congress went still further toward the creation of an effective tariff commission. It provided that the President of the United States, upon recommendation of the

Tariff Commission, after full investigation, might change the prescribed duty not exceeding 50 per cent increase or decrease.

This Tariff Commission has rendered valuable service, and the President acted in several instances upon its recommendations. However, experience demonstrated several weaknesses. The bipartisan personnel, consisting of three Republicans and three Democrats, could not operate with complete success. Deadlocks were inevitable.

This Tariff Commission was charged with the duty not only of investigation but of action in recommending changes of rates under the flexible tariff provision. Therefore, it was all the more necessary that the commission be able to act as a unit.

The second weakness was the delay in handling cases. From two to three years were required to do research work and digest the findings. That, in fact, nullified the value of the flexible tariff provision which was to enable prompt action to protect Americans against adverse competitive conditions.

The third weakness was the comparative cost of production rule laid down for the commission. This was too restricted, since other conditions enter into the advisability of higher or lower tariff duties.

The provisions dealing with the Tariff Commission in this pending bill remedies these weaknesses.

Seven commissioners are provided for, thus obviating the chance of tied votes. They are not required to be members of one party or the other. The salaries to be paid are more commensurate with the responsibility involved, and instead of $7,500 are to be $12,000 a year.

Cases will be expedited by the addition of a commissioner and by increased personnel in the staff. It should require only months to accomplish what has been taking years.

The cost of production will not alone determine the recommendation of the commission. Differences in conditions of competition are to be taken into account.

Mr. Speaker, I believe that the need for a real tariff commission is more vital in 1929 than at any time in our history. The argument used by President Roosevelt in 1902 has become more logical with every passing year. In his message that year he said:

> What we really need in this country is to treat the tariff as a business proposition and not from the standpoint of the temporary needs of any political party. My personal preference would be for action which would be taken only after inquiry by and upon the findings of a body of experts of such high character and ability that they could be trusted to deal with the subject purely from the standpoint of our business and industrial needs.

Oh, I know the sarcastic references which are made to a "scientific" tariff. Do these scornful ones believe that it is impossible to use the scientific method of dealing with this great problem?

I take "scientific" to mean proceeding with care and method, refraining from guesswork, rumor, and vague, general statements. It means gathering all the facts possible and applying the results intelligently. That is exactly what this tariff commission can do in helping toward a scientific treatment of tariff problems.

Congress simply can not deal with each item in that manner. I have read volumes of the testimony taken by the Ways and Means Committee. I contend that anyone who does so will be swamped by conflicting statements. One business man paints a picture of dire distress and asks higher rates, while another business man will declare that that very industry is securing a golden windfall from present rates.

The Tariff Commission simply acts as the servant and assistant of Congress upon policies laid down by this body. Congress adopts the protective policy and in this bill establishes basic rates on protected articles while placing certain other articles on the free list.

We provide that the President may, upon recommendation by the Tariff Commission, raise or lower the basic duties 50 per cent. That such action may be taken is proven by the grant of power to the Interstate Commerce Commission, which makes rates in the execution of congressional policies.

The Supreme Court has settled that question in its decision in the case involving the flexible tariff provisions and the Tariff Commission provisions in the act of 1922. It was argued that such provisions were unconstitutional because Congress alone has power to fix a tariff duty and thus levy a tax. The court said:

> The authorities make no such distinction. The same principle that permits Congress to exercise its rate-making power in interstate commerce by declaring the rule which shall prevail in the legislative fixing of rates, and enables it to remit to a rate-making body created in accordance with its provisions the fixing of such rates, justifies a similar provision for the fixing of customs duties on imported merchandise. If Congress shall lay down by legislative act an intelligible principle to which the person or body authorized to fix such rates is directed to conform, such legislative action is not a forbidden delegation of legislative power. If it is thought wise to vary the customs duties according to changing conditions of production at home and abroad, it may authorize the Chief Executive to carry out this purpose, with the advisory assistance of a Tariff Commission appointed under congressional authority.

Mr. Speaker, the provisions of this measure do not go beyond the authority laid down in this decision of the Supreme Court. The principles for the ascertainment of differences in conditions of competition are intelligible and definite. They cover (1) cost of production of the domestic article, (2) cost of production of the imported article, (3) other costs—containers and packing and transportation, (4) governmental advantages to foreign producers.

I contend that the establishment of a real tariff commission in connection with the flexible tariff provisions is in response to the actual needs of the times.

The record of this bill is proof enough. Several months were occupied by hearings by the Ways and Means Committee. Decisions were made by the majority members of that committee and the measure was reported. After adjustments obtained by interested groups the bill has been left in the hands of the Ways and Means Committee. Not the House of Representatives but the majority members of the committee have written the bill.

It can be argued that no other method is possible in the framing of a tariff bill. But if that be true, what becomes of the impassioned arguments as to the sacred rights of the House? We have constituted the majority members of the Ways and Means Committee as a tariff commission with power to write the rates.

I yield to no one in my regard for the ability and the energy of these members, but they are not superhuman. It requires comprehensive and continuing study to keep tariff rates in line with justice. We can accept the rates finally provided in this bill as a basis, making sure that there is a method for correction of inequalities and inequities which experience may disclose.

From small beginnings many years ago this plan of action has steadily grown to the effective policy proposed in this measure. Its defeat would mean the scrapping of a most valuable agency of Government and a long step backward toward chaos in tariff legislation. Its adoption will mean a step forward toward careful, just, and honest protection of American labor and industry and agriculture.

Mr. GOODWIN. Mr. Speaker, ladies and gentlemen of the House, it is with some degree of concern that I rise to address this House, in the discussion of the tariff bill now under consideration, due largely to the fact that I have an innate feeling that what I am about to say will have little, if any, effect upon that body that holds in its hands, in a large measure, the prosperity and perhaps the destiny of a large number of my own constituents, as well as several millions of people throughout the Nation interested in the subject upon which I am about to address the Members of the House.

I refer to one of the great agricultural commodities produced in large quantity in every State in the Union; one that is in dire need of adequate protection by an increased tariff duty, and to which scant, if any, consideration has been given by the Committee on Ways and Means, if we are to determine the attitude of that committee toward this commodity by its recommendation in the present bill.

I refer to the subject of potatoes and potato by-products. Potatoes are an agricultural product that are produced in every State in the Union, and in which there has been a great overproduction in some years beyond an amount necessary for domestic consumption.

The potato industry, unlike many others that have had the favorable consideration of the Committee on Ways and Means, is not organized. So far as I have been able to ascertain from the hearings no organized lobby has appeared before the committee in demanding an increased duty on this commodity. Very earnest and convincing arguments have been advanced before the committee by Members of this House indicating conclusively the necessity of an increased tariff duty on potatoes and potato by-products. Representations have been made indicating the disastrous competition between the producers in the United States and Canada and clearly establishing the fact that the present tariff duty of 50 cents per 100 pounds is not in an amount sufficient to protect the United States potato growers. Representations have been made to the Committee on Ways and Means urging an increased duty from 25 cents per 100

pounds to 50 cents per 100 pounds, or a minimum of 75 cents per 100 pounds and a maximum of $1 per 100 pounds.

A close study of the fluctuation in potato prices in the United States indicates that Canadian competition has been ruinous to the domestic production. In 1927 the potato yield in the United States was 402,149,000 bushels; that in Canada was 79,879,000 bushels; in that year Canada had for export approximately 14,000,000 bushels, and most of which came into the United States in competition with our own product and at times when the price was a favorable factor; thereby the price of our own product was immediately lowered, to the serious disadvantage of our own home grower. I am speaking now mostly for the growers in the Northern States, where growing and marketing conditions are very unlike those that prevail in the Southern States.

The cost of production has been constantly increasing in the United States; labor conditions affect this commodity; cheaper transportation rates from Canadian points to the United States is also a large contributing factor. The freight rate from Minneapolis to Chicago is 26 cents per 100 pounds, and a large portion of the potato crop from Minnesota, the Dakotas, and Wisconsin finds a market, principally for seed, in Oklahoma, Texas, Louisiana, and other Southern States. The rate from Minneapolis to San Antonio is 78 cents per 100 pounds. I mention these rates as a disadvantage that weighs heavily upon the producer of potatoes in the Middle West, and especially in Minnesota, because in some years that State is the greatest potato-producing State in the Union.

At the present moment there are millions of bushels of potatoes in Minnesota alone that are being hauled out on the fields and for which there is no demand, and representing a total loss of the toil, industry, and investment of the potato grower.

This is a commodity that has been produced in sufficient quantity year after year to supply every domestic demand, and there exists absolutely no reason why a single pound of potatoes should be imported into the United States and thereby displace the American-grown product.

The farmers of my section maintain, as do most of the farmers in every section in the United States, that the American potato market belongs to the American grower; that there should be a tariff duty sufficiently high to adequately protect the American grower against a competitive situation that at the present time is decidedly disadvantageous to our home industry. This is an instance where a protective tariff will preserve to the American farmer a market for his commodity, and one that should have had the serious consideration of the Committee on Ways and Means. I am asking, and the American farmer is demanding, before this bill is finally passed, that an increased duty by at least 50 per cent be added to the already existing duty, in order that that measure of protection may be afforded which experience and economic and competitive conditions require.

The serious situation affecting the potato grower could be considerably ameliorated by an adequate tariff on potato starch, tapioca, and sago. Under the present law potato starch is protected by a duty of 1¾ cents per pound. The present bill increases the amount of the duty to 2½ cents per pound, a net increase of three-fourths cent per pound. This duty is of little value or benefit to the American potato grower and potato-starch manufacturer on account of competition from Germany in the importation of potato starch and in duty-free tapioca admitted from Java and other tropical countries. The potato-starch industry has suffered a sharp decline since 1919. In that year there was domestically produced 16,477,186 pounds, and the imports for consumption were 2,031,403 pounds; since that year domestic production has decreased and imports increased, until in 1927 domestic production was 7,078,425 pounds and imports were 27,272,048 pounds, clearly indicating that unless a sufficient protective duty is given to potato starch that industry can not possibly survive.

When I say that it requires 60 pounds of potatoes in the manufacture of 8 pounds of starch, it is evident that if starch was adequately protected a large part of the potato surplus that ordinarily depresses the market for potatoes could be removed from the competitive potato market and consumed in an industry that is absolutely necessary and essential to many industries. Potato starch is a purely agricultural commodity and one that should be fostered under our protective-tariff system the same as any other commodity that meets foreign competition under conditions that justify an adequate protective duty.

No figures are available as to the cost of manufacture of potato starch in Germany, which is our chief competitor; but the handicap of the American starch producer may be clearly indicated in the fact that the cost of production in the United States is $0.0317 as a minimum. The freight charges on a long ton of starch from Minneapolis to Boston are $18.25. The freight charges from Hamburg, German, to New York are $5.50 per long ton. Potato starch to-day is selling in New York and Boston at from 3¼ cents to 3½ cents per pound. From the cost of manufacture in the United States and the selling price on the eastern seaboard, it is evident that the American starch manufacturer can not possibly compete with German production at 2½ cents per pound tariff duty.

Potato starch is used for food, for sizing in the textile industry, in the manufacture of wood glue, in the manufacture of dextrine and other manufactured commodities, and its use has been uniformly satisfactory equally with tapioca, except in the minor article of its use for adhesives on postage stamps and envelopes. Tapioca and sago are used for the identical purposes as potato starch. It is true that no tapioca or sago are produced in the United States, and are only produced in the tropical countries, such as Java, the Straits Settlements, and Dutch Guiana; but by the amount of the imports of these commodities they displace an equal quantity of potato starch.

The competition with these tropical countries is eminently unfair not only to the American farmer but to American labor. In Java the prevailing price of labor is from 12 cents to 18 cents per day. On the yardstick laid down by the chairman of the Ways and Means Committee, in his opening statement to this Congress on the subject of tariff revision, he informed us that the yardstick by which necessity for protection is measured is the difference in the cost of production in the United States and in the foreign competing countries. On the basis of this measure every argument is in favor of an adequate protective duty for the benefit of the American farmer and the American laborer in the production of potato starch.

The American potato grower is unfortunate in the fact that he has no interested representation upon the Ways and Means Committee sufficient to give him that degree of consideration to which he is entitled.

If the protective system, fostered by the Republican Party, and now advocated by both great parties, is to provide protection under the rules stated, there is no argument but that this American industry, which at one time was of considerable proportions and now has dwindled into almost a condition of paralysis, should be restored by consideration equal to that given to other commodities.

The imports of tapioca have progressively increased from 54,000,000 pounds in 1921 to 176,000,000 pounds in 1928. As I have said, the labor in the production of tapioca is paid for at the rate of an average of 15 cents per day, as against $3.50 per day in the United States. The transportation charge on tapioca from Java to New York is $8.51 per long ton. Contrast that amount with the $18.25 per long ton on potato starch from Minneapolis to Boston and you have an exact picture of that element, together with the cheaper labor costs in Java compared to the same prevailing costs in the United States, of the impossibility of the American farmer and starch manufacturer to compete with tapioca produced in the Tropics. It can not be done, and it is entirely unfair to the American product to be placed in a position of competition with such severe and burdensome handicaps.

The textile industry, the envelope industry, and the users of wood glue are the interests opposing an increased tariff on both potato starch, tapioca, and sago. By this bill the textile industry is receiving substantial increases in tariff duties upon its manufactured commodities.

The increase of the duty from 2½ cents to 4½ cents per pound on potato starch and a duty of 4½ cents per pound on tapioca, would increase the cost of manufacture to the textile industry of approximately one three-thousandths of a cent per yard, but in the distress in which agriculture finds itself the textile industry has no evident concern. That industry is demanding at least half a loaf and unwilling to give even a crumb to agriculture. In its selfish desire to promote its own industry it is willing to destroy an industry that is in dire need of assistance in order that it may survive.

This extra session of Congress was called for the major purpose of providing relief to depressed agriculture. According to the present bill that primary purpose has not been subserved, and taking the bill as a whole it is apparent that industry is receiving a larger share of benefit than agriculture.

The increases to the cedar and shingle, maple, and birch manufacturers is entirely unwarranted by testimony in the hearings. The promised duty on cement and brick will take a heavy toll upon the farmers of this Nation. What justification can there possibly be to place a duty of 25 per cent ad valorem on fence posts and permit wood pulp, telephone, telegraph, and traction poles to enter duty free? The answer to this question, I think, will be found largely in the personnel of the Committee on Ways and Means. Undoubtedly they have worked faithfully

in an effort to equalize the cost of production in the United States and abroad, but from the bill and the report of the committee, I find very little to comfort the American farmer. The increases in the duties on the commodities he must use are offset by the increase in the duties on the commodities which he produces. It is almost a 50–50 proposition. The committee gives with one hand and takes with the other, and the net result is to leave the farmer in the same condition in which he found himself ever since the act of 1922.

It is no comfort to the farmer to be told by this committee that overproduction in certain commodities renders the tariff ineffective; it begets him but little consolation to be told that the fault is his own and that he must regulate production in accordance with consumption. In those commodities in which there is an overproduction that can be turned into by-products and in the manufacture of which by-products relief can be obtained by reducing the imports by a sufficient duty, provides a simple, direct, and a clear way to reduce importations, and thereby relieve the farmer of a part of his burden. If the importations of potato starch and of tapioca could be removed or reduced, a market would be provided for the American potato farmer of approximately 27,000,000 additional bushels of potatoes.

The American farmer and American labor owe no duty to the cheap labor of Java, the Straits Settlements, and Dutch Guiana. The standard of living is comparable in no degree and if we are to maintain, as we have promised to do, the standard of living to the American farmer and to American labor, this competition is not only unfair but absolutely impossible.

The textile industry has no greater demand for consideration upon this committee than have the domestic producers of potatoes. Our first concern is to our own people, their comfort, welfare, and their prosperity.

I do not know what the rule for the consideration of the tariff bill will contain, but I am asking my colleagues in this House to render a measure of justice to the American farmer which will squarely meet the promises made and be in full accord with our sense of duty and our responsibility.

DUTY ON MANGANESE ORE

Mr. WILLIAMSON. Mr. Speaker, for several weeks a considerable number of Representatives from States having deposits of manganese ore have been making a strenuous effort to get the Ways and Means Committee of the House to make a satisfactory adjustment of the managanese schedules so as to protect producers of low-grade ores. While it is true that as yet no large bodies of high-grade ore have been discovered, the quantity of ore having from 10 to 30 per cent of manganese is practically unlimited. This body of ore has no protection in the 1922 act and is left without protection in the present bill, as the duty of 1 cent a pound applies only to ore carrying a metallic manganese content of 30 per cent or over. In all good conscience the Ways and Means Committee should have reduced the metallic content of manganese to which the duty applies from 30 per cent to 10 per cent. Either this should be done, or the duty should be taken off steel products. If the owners of the steel mills are not willing to have the raw material going into steel protected by proper duties, they are entitled to none themselves for their finished products.

The manganese industry is suffering and finding it impossible to develop and increase production to any considerable extent because of foreign competition in both high and low grade ores. Under protection the steel industry has been immensely prosperous. To permit the present maladjustment to continue is the rankest kind of inequality and injustice. Either steel must yield the high protection it now enjoys or cease opposition to a proper duty upon manganese.

For the information of the House I herewith submit a copy of the petition presented to the chairman of the Ways and Means Committee, and a copy of which was transmitted to each of the Republican members of said committee. The speech referred to in the petition appears at page 1756 of the CONGRESSIONAL RECORD of May 22, 1929.

REQUEST FOR ADJUSTMENT OF DUTY ON MANGANESE

MAY 25, 1929.

MR. CHAIRMAN AND REPUBLICAN MEMBERS OF THE WAYS AND MEANS COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

GENTLEMEN: The undersigned Republican Members of Congress from States containing commercial deposits of manganese ore respectfully petition that the Ways and Means Committee offer an amendment to paragraph 302, section (a), page 51, of House bill 2667, as follows:

Page 51, line 4, strike out the figures "30" and insert in lieu thereof the figures "10" so that the paragraph will read:

"Par. 302. (a) Manganese ore or concentrates containing in excess of 10 per cent of metallic manganese, 1 cent per pound on the metallic manganese contained therein."

Your petitioners believe that the rate should also be changed from 1 cent per pound to 1½ cents per pound, but have agreed to ask at this time only for a reduction of the metallic content at which ore now comes in free. This is necessary in order to meet late developments of processes which make low-grade ores, of which there is an unlimited supply in at least 20 States of the United States, commercial.

This reduction in percentage is necessary to preserve and develop an American industry which, under the bill as now drawn, does not receive protection.

There is attached hereto copy of a speech delivered in the House on May 22 by Hon. WILLIAM WILLIAMSON, of South Dakota. This speech gives in detail the reasons for the protection of this American industry and for the amendment herein requested. Your particular attention is called to page 8 of the pamphlet, the table setting forth the history of the imports of manganese ore into the United States and the discussion thereof. Your attention is especially called to the fact that in 1928 the imports of high-grade manganese ore fell off approximately 50 per cent. This was due largely to the fact that low-grade ore running slightly below 30 per cent came in duty free and that new processes have made it possible to handle such ores in competition with American ores, thus practically destroying the benefit of the present tariff.

Respectfully submitted by the undersigned.

WM. WILLIAMSON,
SCOTT LEAVITT,
SAMUEL S. ARENTZ,
Executive Committee.

And 39 others, whose names follow:

JOHN W. SUMMERS, fourth Washington; ROYAL C. JOHNSON, second South Dakota; MELVIN J. MAAS, fourth Minnesota; W. A. PITTENGER, eighth Minnesota; FRANK CLAGUE, second Minnesota; J. A. GARBER, seventh Virginia; ELMER O. LEATHERWOOD, second Utah; GODFREY G. GOODWIN, tenth Minnesota; HAROLD KNUTSON, sixth Minnesota; GUY U. HARDY, third Colorado; ADDISON T. SMITH, second Idaho; SCOTT LEAVITT, second Montana; J. C. SHAFFER, ninth Virginia; CARROLL REECE, first Tennessee; SAMUEL S. ARENTZ, Nevada; BURTON L. FRENCH, Idaho; WILLIAM WILLIAMSON, South Dakota; FLORENCE P. KAHN, fourth California; W. E. EVANS, ninth California; HARRY L. ENGLEBRIGHT, second California; A. M. FREE, eighth California; PHIL D. SWING, eleventh California; H. E. BARBOUR, seventh California; JOE CRAIL, tenth California; O. J. KVALE, Minnesota; C. G. SELVIG, Minnesota; AUGUST H. ANDRESEN, third Minnesota; CHARLES A. JONAS, ninth North Carolina; GEORGE M. PRITCHARD, tenth North Carolina; H. G. SIMMS, New Mexico; ROBERT R. BUTLER, Oregon; FRANKLIN F. KORELL, Oregon; C. A. CHRISTOPHERSON, South Dakota; VICTOR CHRISTGAU, Minnesota; MENALCUS LANKFORD, Virginia; J. WILL TAYLOR, Tennessee; DON B. COLTON, first Utah; JOHN F. MILLER, first Washington; ALBERT E. CARTER, sixth California; WILLIAM R. EATON, first Colorado; ALBERT JOHNSON, third Washington; H. I. SHOTT, fifth West Virginia district.

Mr. SELVIG. Mr. Speaker and Members of the House, under leave to extend remarks in the RECORD, I present an analysis of the tariff bill prepared by Mr. Chester H. Gray, of the American Farm Bureau Federation, dated May 21, 1929.

The article is as follows:

WASHINGTON, D. C., *May 21, 1929.*

To Members of Congress:

Farmers in every section of the United States are interested in knowing whether or not the forthcoming tariff legislation is to be an adjustment of tariff rates. By the use of the word "adjustment" in tariff matters the average citizen considers that forthcoming tariff legislation will bring the rates of duty on agricultural products more nearly up to an equality with those which industrial products enjoy.

This usual interpretation of the term "adjustment" is borne out by an examination of the hearings which the Ways and Means Committee has held. From those hearings the following extract is quoted:

"Mr. GRAY. And I say in this connection here that this tariff legislation should be an adjustment of tariff rates; not revision of all rates, but an adjustment, so that agriculture more nearly will be on a parity with industry.

"The CHAIRMAN. That is what the committee announced at the beginning of the hearing.

"Mr. GRAY. I know it, and I compliment the committee for that announcement." (P. 18, vol. 1, Hearings on Tariff Readjustment, 1929, before the Committee on Ways and Means.)

Quoting further from another portion of the recent tariff hearings, we find again this question of adjustment of tariff rates prominently defined:

"Mr. GARNER. Which would be the preferable law—the present law or a law that continues in force and effect, comparably, the present rates on manufactures and increases the rates to agriculture? Which would be the better balanced or the greatest benefit to agriculture?

"Mr. GRAY. The latter.

"Mr. GARNER. That is all."

(P. 8039, vol. 15, Hearings on Tariff Readjustment, 1929, before the Committee on Ways and Means.)

As the new tariff bill now reads there is no such adjustment of tariff rates. Some tentative and preliminary information in support of this

conclusion has already been given to various Members of Congress by the American Farm Bureau Federation, which is substantiated more definitely by the detailed information which appears in this letter.

COMPARISON NO. 1

Perhaps the most accurate way to ascertain the answer to the question of how much adjustment the bill gives agriculture is to segregate commodities in all schedules into the two great classifications—agricultural products and industrial products. This has been done in Table 1.

TABLE 1

AGRICULTURAL PRODUCTS

Schedule No. (in bill) [1]	Total value of imports, 1928	Total duties collected, 1928	Estimated duties under new bill [2]	Average rate of duty converted to an ad valorem basis	
				1922 act	New bill
				Per cent	*Per cent*
IV	$6,179,000	$603,000	$603,000	9.76	9.76
V	11,532,000	1,036,000	1,988,000	8.98	17.24
VI	58,948,000	37,179,000	37,179,000	63.07	63.07
VII	167,574,000	37,607,000	52,259,000	22.46	31.19
X	4,995,000	391,000	552,000	7.83	11.05
XI	39,432,000	16,834,000	18,497,000	42.69	46.91
Average rates of duty (simple average)				25.85	29.90

INDUSTRIAL PRODUCTS

I	$94,300,000	$28,423,000	$30,253,000	30.14	32.08
II	53,387,000	26,006,000	30,662,000	52.36	57.43
III	104,845,000	35,504,000	37,568,000	33.86	35.83
IV	10,747,000	3,590,000	4,053,000	33.41	37.71
V	162,228,000	117,536,000	159,471,000	72.45	98.30
VI	3,370,000	2,136,000	2,136,000	63.37	63.37
VII	77,131,000	19,470,000	28,638,000	25.24	37.13
VIII	1,347,000	483,000	591,000	35.89	34.90
IX	47,756,000	17,463,000	17,817,000	36.57	37.31
X	121,286,000	22,593,000	22,803,000	18.63	18.80
XI	74,790,000	39,864,000	47,291,000	53.30	63.23
XII	32,489,000	18,366,000	18,366,000	56.52	56.52
XIII	16,259,000	9,291,000	9,291,000	57.14	57.14
XIV	22,537,000	5,634,000	6,015,000	25.00	26.69
XV	194,951,292	71,382,627	79,135,134	36.62	40.59
Average rates of duty (simple average)				42.03	47.07

[1] The following classification of industrial and agricultural products was followed: Schedule I, all industrial; Schedule II, all industrial; Schedule III, all industrial; Schedule IV, all industrial except logs, blocks of briar root, and similar wood; Schedule V, all industrial except molasses and sugar sirup, maple sugar and sirup, sugar cane, and rare sugars; Schedule VI, all agricultural except cigars, cigarettes, snuff, and cut tobacco stems; Schedule VII, all agricultural except meats and meat products, condensed and evaporated milk, frozen and dried eggs, flour, meal, grain hulls, grain screenings, cereal breakfast foods, biscuits, macaroni, dried and canned apples, dried and canned apricots, dried and canned berries, maraschino and pitted cherries, prepared figs and dates, pitted or stuffed olives, prepared pineapple and plums and prunes, jellies and jams, shelled nuts, almond paste, canned beans, split peas, canned peas, dried potatoes, potato flour, canned tomatoes and tomato paste, prepared or cut vegetables, prepared chicory, prepared pimientos, candied ginger root, coffee substitutes; Schedule VIII, all industrial; Schedule IX, all industrial; Schedule X, all industrial except flax straw, unmanufactured flax fiber, flax tow, flax noils, hemp tow, and unmanufactured hemp; Schedule XI, all industrial except unmanufactured native wools and clothing wools; Schedule XII, all industrial; Schedule XIII, all industrial; Schedule XIV, all industrial; Schedule XV, all industrial. The following products are not included in either classification: Fish, cocoa, chocolate, pignolia nuts, pistache nuts, coconuts, and all items on the free list.

[2] In computing the estimated amount of the duties under the new bill it was assumed that the total value of imports under the new bill would be the same as the total value of imports in 1928. The new rates of duty were applied on this basis.

It will be noted in the above table that an effort has been made to separate into one classification the products upon which farmers themselves will be the prime beneficiaries of increased tariff rates. Into another classification has been thrown all those products upon which the processor receives the prime benefit. Following this method of segregation it will be seen that the average of all duties on agricultural products in the present act is 25.85 per cent, whereas in the new bill this average rises only to 29.9 per cent, an increase of 4.05 per cent. The average of the duties on industrial products in the present act, following the same method of segregation, is 42.03 per cent, and in the new bill is 47.07 per cent, an increase of 5.04 per cent.

The above is surely an accurate way to estimate the comparative increases in the present bill which are enjoyed by agriculture and industry. It will be seen that the industrial products have received slightly more increases than have those of agriculture. This shows that the bill as it now reads does not accomplish the adjustment in tariff rates which all are expecting.

COMPARISON NO. 2

In order to see if other methods of computation might give us different results, it is interesting to know that the weighted average of rates on everything in Schedule 7 (considering everything in this schedule as being agricultural, which is not exactly the case) is found to be in the act of 1922, 22.77 per cent and in the new bill 31.41 per cent, an increase of 8.64 per cent. The weighted average rates on all commodities contained in all other schedules except Schedule 7 (considering all other schedules to be industrial, which is not precisely the case) is found to be 42.76 per cent in the act of 1922 and 49.34 per cent in the new bill, an increase of 6.58 per cent.

TABLE 2

	Total value of imports, 1928	Total duties collected, 1928	Estimated duties under new bill	Average rate of duty converted to an ad valorem basis	
				Act of 1922	New bill
				Per cent	*Per cent*
Schedule VII	$279,693,000	$63,697,000	$87,852,000	22.77	31.41
All other schedules except VII	1,062,379,000	454,315,000	524,206,000	42.76	49.34

Again it is shown there has been no substantial adjustment of the tariff rates.

COMPARISON NO. 3

By a third method of comparison the weighted average of rates on all industrial products, excluding processed food products, in the act of 1922 is 42.36 per cent, and in the new bill is 49.49 per cent, an increase of 7.13 per cent; whereas the weighted average of rates on all agricultural products, including processed food products, in the act of 1922 is 29.8 per cent, and in the new bill 36.51 per cent, an increase of 6.71 per cent.

TABLE 3

	Total value of imports, 1928	Total duties collected, 1928	Estimated duties under new bill	Average rate of duty converted to an ad valorem basis	
				Act of 1922	New bill
				Per cent	*Per cent*
All of Schedule VII and all agricultural products in all other schedules	$400,779,000	$119,740,000	$146,670,000	29.80	36.51
All other products	940,293,000	398,272,000	465,388,000	42.36	49.49

In this third method of computation an additional demonstration is had that no adjustment is contained in the present tariff bill.

By the above three methods of arriving at a solution of the question as to the amount of adjustment in the pending tariff bill one is struck by the remarkable similarity of findings, namely, that if agricultural rates have been increased slightly, so have the industrial rates been increased to approximately the same extent.

Particular attention, however, is called to the first method of comparison above set out, as in it is contained a clean-cut comparison of rates on agricultural and industrial commodities. In the two other methods of comparison there is some mixing of agricultural and industrial commodities.

Next to the accuracy of the comparison first above made, the last one offered above for your consideration is perhaps most accurate, wherein industrial products, exclusive of processed farm products, are compared to agricultural commodities, including such commodities when processed.

No matter, though, what approach one makes to this proposition, the same conclusion is evident, namely, that the spread between the rates on agricultural and industrial products is not lessened.

An incidental conclusion is that the excess of industrial rates over agricultural ones is not greatly different, no matter what basis of comparison is used. In connection with this incidental conclusion it is interesting to know that a comparison based on simple averages of data contained in Table 509, pages 555–557, Statistical Abstract of the United States for 1928, shows that the average of all commodities in Schedule 7 for 1927 was 22.54 per cent. From the same authority we learn that the average of commodities in all other schedules except Schedule 7, for 1927 was 39.66 per cent. This shows an excess of industrial over agricultural rates of 17.12 per cent, which is not greatly out of line with the differences shown by any one of the three methods of comparison used in this letter.

For your convenience the above comments are summarized in Table No. 4.

TABLE No. 4—*Comparisons of industrial and agricultural rates*

	Act of 1922	New bill
1. Average of rates on—	*Per cent*	*Per cent*
All industrial products and processed food products	42.03	47.07
All agricultural products in raw state or unprocessed form (Simple averages of totals.)	25.85	29.90
2. Weighted average of rates in—		
Schedule VII, Agricultural products	22.77	31.41
All other schedules, except Schedule VII	42.76	49.34
3. Weighted average of all—		
Industrial products	42.36	49.49
Agricultural products including processed food products	29.80	36.51
Difference between average of industrial rates and agricultural rates:		
By Comparison No. 1	16.18	17.17
By Comparison No. 2	19.99	17.93
By Comparison No. 3	12.56	12.98

Increases in the average rates of duty on industrial products and agricultural products

	Amount of increase
By comparison No. 1:	
Industrial products	per cent 5.04
Agricultural products	do 4.05
By comparison No. 2:	
Industrial products	do 6.58
Agricultural products	do 8.64
By comparison No. 3:	
Industrial products	do 7.13
Agricultural products	do 6.71

It is hoped that the lack of adjustment in tariff rates, which is evident in the tariff bill as it now reads, will be overcome as the bill makes further progress through Congress. With favorable committee amendments, presented by the Ways and Means Committee, the lack of equality in agricultural and industrial rates above demonstrated may be greatly rectified.

Very respectfully,

AMERICAN FARM BUREAU FEDERATION.
CHESTER H. GRAY.

Mr. CHRISTOPHERSON. Mr. Speaker, I am a believer in the protective policy of the Republican Party, but did not vote for the tariff bill which just passed the House.

This for the reason that this extraordinary session of Congress was called especially for the purpose of removing the inequality which has weighed against agriculture for a number of years. It was well understood that one of the methods employed by Congress would be to make material increases in the tariff on the products of the farm. That is, increase the rates on the products already on the protected list and to place others now on the free list on the protected list, thereby making an earnest effort to conserve for the American farmer the American market for the commodities he annually produces.

While the Committee on Ways and Means has dealt fairly and generously with the agricultural schedule and has made very substantial increases on agricultural products, they have, however, not confined their revision to farm products nor adhered to the President's suggestion of "a limited revision." Into the bill have gone many articles which the farmer must buy and which formerly were on the free list, and there have been substantial increases on many articles which, to my mind, were amply protected under the Fordney-McCumber law. In fact, I fear the increases granted to industries will more than offset the advantage gained by the agricultural schedule and the bill as it stands at present will not tend to remove the disparity which now handicaps the farmer, the removal of which was the purpose of this session of Congress.

Therefore I felt constrained to register my vote against the bill. This is in the hope that if the bill was defeated a new bill could be written limited to agriculture. I am of the opinion that if the bill had been so limited it would, in operation, help wonderfully to close the gap that exists between the agricultural industry and other industries of our land. It is my hope that the bill, which has now been sent to the Senate, may be revised so as to carry out the real purpose of this session of Congress. If the bill comes back so modified it will be an extreme pleasure for me to vote for it.

SECTION 402 OF THE TARIFF BILL

Mr. LINTHICUM. Mr. Speaker, the time of debate being so limited and being unable to have time upon section 402 of the tariff bill, I am taking this opportunity of expressing my hostility to the proposed change from that of the tariff bill of 1922.

If there is one thing upon which we should endeavor to satisfy the people it is the question of appeal from the ruling of any court or judicial body. That this provision contained in section 402 is an infringement upon the rights of the judiciary and sets up the Secretary of the Treasury as the court of last resort—with no appeal—there can be no doubt. If the Secretary of the Treasury were to decide these questions, it probably would not be so bad, but the truth is that some secretary or clerk in his department will be the one to prepare the case, prepare the decision, and all the Secretary of the Treasury will have to do will be to affix his signature, and from this there is no appeal.

In the Customs Court they held sessions in the various customs limits at stated times of the year, and were accessible to the customs of the different sections. The Treasury Department, however, is located in Washington, and all persons desiring to procure decisions before the Secretary of the Treasury must come to Washington for that purpose, which is both inconvenient and expensive.

This amendment to section 402 of the existing act of 1922 is bad for the following reasons:

First. It destroys in large part a judicial review before independent courts, the Customs Court and Court of Customs Appeals before the latter because the question of which value you shall take, as applied to the particular circumstances, is a question of law, and substitutes a mere administrative finding by the fiat of the Secretary of the Treasury with none of the sanctions and protections of a court trial.

Second. It makes the Secretary of the Treasury both actor and judge in his own case. All the local appraisers act under his general directions and in conformity with his general regulations.

Third. This constitutes a step toward reaction and bureaucracy of the worst sort. Without such independent review of this phase of value controversies, which this scheme takes from him, the citizen has no rights therein which the executive officers of the Government are bound to respect. He was better off under the ancient merchant appraiser system. The majority of that ancient valuation tribunal were two merchants and not officials of the Government.

Fourth. It provides that the Secretary's act in selecting what value must be taken can not be reviewed by the courts. He is not a judge, and being the chief executive officer in the collection of duties, can not be converted into the semblance of a judge nor his action under this provision to remotely resemble court action.

Fifth. The proposal will dangerously concentrate governmental power in Washington, D. C. At present the importer tries out every phase of his value controversy and makes his record of evidence therein at his home port before a justice of the Customs Court on circuit duty there, and this record so made goes up on appeal. Under the proposed scheme the importer distant from Washington will be compelled to beg the Secretary's favorable executive action by long-distance correspondence. There can be no court record, or examination and cross-examination of witnesses in the legal sense. This will put importers at distant ports throughout the United States at a terrible disadvantage over those located at or near Washington, D. C.

Judicial review by a tribunal, independent of executive control, of all mistakes of law, in fixing the value of a parcel of imported merchandise, has existed since the foundation of our General Government. It would be a political and legal outrage on the citizen to thus abolish it in large part. There will be a universal howl if this is incorporated into the law, and rightly so.

I am indebted to one of my constituents for much of my information, he having been engaged in customhouse work for many years and is thoroughly familiar with the subject.

I find this provision is opposed by business generally, and especially by those who are opposed to continued centralization of all manner of power in the officials at Washington and who object to the establishment of a bureaucratic Government, believing the better system to be the one by which they can appear directly before the Customs Court, have their questions decided, and if the decision is not agreeable, then they have an appeal.

I sincerely trust this amendment will be so written that it will be satisfactory to those engaged in this business and to the public generally who are interested.

There is no justification for the change when the present system is satisfactory.

THE GAME OF DOG EAT DOG

Mr. HUDDLESTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I print a telegram received from a prominent citizen of Alabama, and my reply thereto.

The matter referred to is as follows:

TELEGRAM OF G. H. MALONE

DOTHAN, ALA., *May 27, 1929.*

GEORGE HUDDLESTON,
Member of Congress, Washington, D. C.:

Will appreciate your active support for amendment to tariff bill coming up to-morrow providing increase duty wrapper tobacco. This vital importance me and other growers this section.

G. H. MALONE.

REPLY OF MR. HUDDLESTON

MAY 28, 1929.

Mr. G. H. MALONE,
Dothan, Ala.

MY DEAR MR. MALONE: Your telegram in behalf of an increase in the duty on wrapper tobacco received.

My constituents are consumers and not growers of tobacco. The rule on tariff measures is for a Congressman to vote for every item that will be of benefit to his constituents and against all items that will cost them anything. In playing this crooked game, necessarily even a straight Congressman must abide the rules. As long as citizens are controlled by selfish material considerations, without regard to principle or the general welfare, we Congressmen must be expected to respond on the same basis.

Thanking you for your wire, I am, yours truly,

GEORGE HUDDLESTON.

Mr. ROMJUE. Mr. Speaker and Members of the House of Representatives, the pending tariff bill is a complex and intricate piece of legislation. Aside from the various phases of the bill and the economic elements tied up in its phraseology and aside from its alleged purpose, it has quite a historical background, notwithstanding its recent origin.

It should be of some interest to follow the history which has led up to this special session of Congress, at which the machinery of Government is at work, both legislative and executive, on this proposed legislation.

To begin with, it develops out of a condition of agricultural depression, or farmers' financial distress. The American farmer made more money, and made it easier, under and during the administration of Woodrow Wilson than he ever made before or since under any presidential administration.

Very few farmers can to-day sell everything they possess for more than half what they could have sold the same farm property for under the Wilson administration. In fact, a great many farmers are unable to sell their farm land for more than enough to pay off the mortgage now on the land; and, in fact, quite a few farmers have not been able to do that, and many have lost their homes at a time too frequently when age is advancing upon them, when more than at any other time in their life they needed to hold onto a home if possible.

This presents a condition that should not exist, and there must have been some contributing causes, which I shall later refer to.

When the farmers first begun their fight for more equitable and fair treatment, their friends in Congress had to first convince their enemies that there was a real farm problem.

Those who were against the farmer in the beginning said, "There is no farm distress." They said, "The farmer was prosperous enough." They denied that there was any necessity to pay any special attention to the farm situation.

At the end of the first fight in Congress these farmers' friends in that body had been able to show the farmers' enemies that there was a real farm problem.

At the second step the enemies met the farmers' friends in Congress with this statement: "We will admit there is a farm problem, but it can not be solved by legislation of any kind—the farmer will have to help himself." That was the statement the farmers' enemies in Congress held on to.

Then we approach or come to the third fight in behalf of the farmers. At this time the farmers' enemies took the stand, or, rather, admitted that which the farmers' friends in Congress had contended; that is, they admitted "there was a real farmers' problem." "That some legislation could be passed that would help him." But they said, "The particular legislation then before Congress would not do it."

Now the first contest ended by the lower House of Congress passing a bill for farm relief, but it did not pass the Senate.

The second contest ended by both the lower House of Congress and the Senate passing the farm relief bill, which President Coolidge vetoed.

And the third contest ended by both branches of Congress passing the farm relief bill then pending by an increased majority, and again President Coolidge vetoed the bill.

The last presidential campaign brought out a promise from Mr. Hoover to recommend a plan for the relief of the farmers and that he would call an extra session of Congress for that purpose. The extra session has been called and is now sitting.

The plan agreed upon between Mr. Hoover and the Republican leaders of his party in Congress involved a program of two bills, one the so-called farm relief bill, which provides in a general way for a loan of $500,000,000 to the farmers through the cooperative associations, to be paid back by the farmers in the future. Some believe that the farmers are too much in debt now and that additional loans would only tend to make matters worse for them, and what the farmer needs is not to borrow more money but to dispose of his surplus crops at a fair and profitable price.

The second bill involved in the Republican Party's program, which is heralded as the bill to really bring the desired relief to the farmer, is the pending tariff bill.

While it was promised to pass a tariff bill for the relief of the farmer, the bill as it now stands, and as it will finally be enacted into law by a majority of the Republicans in Congress, will for every dollar that the farmer gets out of it in the way of help, it makes it cost him many dollars in the way of extra burdens put on him and other consumers by an increased tariff on manufactured articles he has to buy. The tariff is by this bill raised on steel, iron, lumber, building material, clothing, and on many other articles.

One of the causes of the injustices to the farmer and the inequalities between the agricultural and manufacturing sections of the country is the present high tariff law, and the amazing thing about the present Republican program is that by the pending bill the manufacturers get still a higher tariff than they have ever had before.

While the Republicans before the election promised to help the farmer, they actually by this legislation give the manufacturers of New England a greater advantage over the farmer than they had before the election.

Take, for instance, the tariff on lumber and shingles. This tariff bill makes it more costly for the farmer to build or repair his buildings. Here is what the National Retail Lumber Dealers Association says about the present tariff bill:

Whereas it is very evident to this body that such tariff could not possibly benefit any but a small group of manufacturers who might directly profit by it; and

Whereas it is evident that the amount of the duty would be added to the selling prices of these manufacturers, thus increasing the cost to the consumer and impose an additional burden on our farming communities, which is the largest market for forest products.

If a tariff bill which makes the lumber and shingles cost the farmer more than at the present time helps the farmer and brings him any relief, except to relieve him of what little money he has remaining, then I confess I am at a loss to understand the Republican Party's process of reason.

In other words, if the more you charge the farmer helps him, it is a queer process for relief. If these farmers who voted the Republican ticket at the last election enjoy this kind of relief, they are sure getting what they voted for by the provisions of the present tariff bill.

These two bills now being passed by the present Republican administration will actually put the farmer in a worse position than he was before, and instead of benefiting him will actually injure the farmers of the country.

Any political party that can actually give to the people just the opposite of what they want and make them like it and vote for more of the same kind, deserves a diploma as past master in legerdemain and sleight of hand performers.

The people of the United States were told during the last campaign that we were enjoying great prosperity. Of course, a great many people knew that was not true in the farming sections but believed it was true in industry. But now, since the election, we find, when the Republican Party, in complete control of every branch of the Government, comes to legislate as was promised for the farmers, that, according to the claims made in behalf of this pending tariff bill, it is the manufacturers that need the help, and the Republican steam roller applies the gag rule and gives practically every important manufacturing business an increased tariff, the burdens of which will fall upon the farmers and consumers generally.

The manufacturing interests of this country are in the saddle and riding hard, mounted on the high protective tariff steed. Behind the wide-nostriled steed drags the farming industry with a rope around its neck—and they have even raised the tariff on the rope—which the farmer and consumer paid for to be dragged to its death.

The matter has begun to enter the first stages of peasantry. Let no farmer fool or mislead himself. He is being delivered into peasantry. His children, now the chief joy and pride of his life, will see the peasantry fastened more securely upon them, sometimes aided by their own parent's vote, which too often maintains the influence of factory power in control of the political destiny of the Government.

Let me read to you what Mark Sullivan, a well-known writer and an intimate of Mr. Hoover's, says about this program of legislation and its purposes. It is as follows:

The plan of farm relief about to be adopted has a fundamental assumption. The assumption is that the farmer shall cease raising a surplus for

export; that he shall raise just as much as can be consumed in America, and no more.

The relief that is about to go into effect goes on the basic assumption that the farmer's export surplus is an embarrassment, a thing to be avoided. The plan will tend in its working out toward reducing the farmer's export surplus to as near nothing as is practicable.

In effect, the policy of this bill says, "Let the farmer stop trying to raise crops for sale in Europe; let him confine himself to raising crops that America can consume, and only so much of them as America can consume."

In short, this policy, that the American farmer shall not try to be an exporter to the rest of the world, is certain to be basic in the immediate future of American agriculture.

From this policy—limiting the American farmer to raising as much as the American market will buy—certain results will follow, socially and perhaps politically. We can understand them by comparing our policy about farming with our policy about other industries.

To the farmer we say, in effect:

"Limit yourself to producing just enough for the American market, or as near that as you can approximate, and we will pay you American prices for it."

Now let us contrast this policy for farming with the quite different policy we have for manufacturing. To manufacturing we say:

"Export. Export more and more. Flood the world with American manufactured goods. Send American manufactures to the farthest corner of the earth. Make American the greatest exporting nation—in manufactures—in the world."

There is no malice, no evil intent, in this contrast between what we say to farmers and what we say to manufacturers. The contrasting treatment is not deliberately devised by anybody; it is the fruit of conditions at least two generations old. It began when we adopted the policy of a protective tariff to stimulate manufacturing. Also, the writer in other articles has explained that manufacturers can practice mass production, while farmers can not. And mass production makes it easy for manufacturers to have an export surplus successfully.

Let us now see where the American farmer will end if these two principles are followed out—limitation of exports for the farmer, expansion of exports for other industries; nonexport for the farmer, aggressive export for the manufacturer. Let us examine the ultimate outcome of these two policies running parallel.

Farmers and their families compose about one-fourth of the population of the United States—about 28,000,000 persons on farms, out of a total population of about 118,000,000. Two or three generations ago, before we began to stimulate manufacturing by means of the protective tariff and otherwise, the farmer was more than half the total population.

FARMERS' STATUS IN UNITED STATES

The farmer is now about 25 per cent of the Nation. He has that percentage of standing, of prestige, that share in the country's economic structure. Also, he has that proportion of political power, that measure of capacity to have his way.

By 1940 the total population of the United States, at the ordinarily accepted rate of increase, should be about 136,000,000. All this increase of 18,000,000, if the present policy is continued, will have gone into manufacturing and trade, into industries other than farming.

One can count on this because the farmer is told to keep his business down to where it will supply merely the domestic American market. To be sure, the increased 18,000,000 of population will consume that much more wheat, corn, and other farm goods, but there will be no increase in the number of farmers. This is true, first, because the present export surplus which the farmer is now counseled to forget and dismiss, will be enough to feed much of the added population in America; second, because methods of farming always are being improved and the improvement in methods will increase farm production sufficiently to take care of the greater population without any increase in the number of individuals employed in the industry of farming.

Meantime the entire increase of population will have gone into industries other than farming. The farm population will be stationary. The industrial population will be increasing rapidly. Ten years from now the farmer will be less than 25 per cent of the total population. The farmer's share of the population, the farmer's share of the total voting strength, the farmer's proportion of influence in politics, his place in the whole economic and social structure will be steadily growing less. The farmer's economic status and his social status will tend to become that of gardener to an immense manufacturing and business community.

This definite subordination of farming to other industries would seem likely to be the ultimate outcome of these two policies running parallel, the policy of nonexport for the farmer and aggressive export for the manufacturer.

Can anyone see any good reason why the Government of the United States should not be just as much interested in aiding the farmers to dispose of their surplus crops in the world markets as it is in aiding the manufacturing interests in disposing of their surplus in the world markets, and especially so inasmuch as the Government has for years, through its own agencies, encouraged the farmer to increase his production.

Moreover, this plan if carried out will not only finally result in great injury to the farmers of the country but to the Government itself. Suppose a drought or pestilence comes some year or years, and we have a very short crop by reason thereof; and suppose the Government should find itself again engaged in war, and in great need of food supplies. This policy might put us at the mercy of other nations for the time being, and it might become a matter of very serious proportions.

No, this plan will not do. What should be done is to cooperate with the farmer and aid him in disposing of his surplus just as you do to the factory. Many people are starving to-day in China for want of food, and here we have the food, and it is not only a false philosophy but a false economic policy to follow such a course as is advocated.

Aid the American farmer in disposing of his surplus, when he has surplus, to the hungry nations of the world, and you not only strengthen our own Government, but you replenish the farmer's pocketbook and aid needy and oftentime suffering humanity.

The theory I have read to you about curbing the farmer, while encouraging the factory, is not only an unjust discrimination but a policy which if pursued will work economic injustice and eventually encourage corruption in Government. A well-balanced Government and a well-poised people are necessary for our national perpetuity.

In conclusion let me quote you the language of the greatest statesman of all time, Thomas Jefferson, who said:

I think our Government will remain virtuous for many centuries as long as they are chiefly agricultural. When they get piled up on one another in large cities, as in Europe, they will become corrupt as in Europe.

Mr. COYLE. Mr. Speaker, it is not entirely unusual for a Republican Member to disagree with a paragraph or more in a Republican tariff bill written by Republicans. I should feel lacking and remiss in the discharge of my duties to my constituents did I not express my strong disapproval of the increased tariff on sugar, as written in paragraph 501 of the pending tariff bill.

Let me make my position absolutely clear. I am a protectionist, and I believe with all my heart in the protection of American industries. I believe that the wonderful progress of the United States in industrial development has been due at least as much, if not more, to the protective tariff policy than any other one thing. I believe that same protective tariff to be the very foundation of our prosperity. Take it away, or weaken it, and the whole structure collapses.

I am unable to see, however, where the increase in the tariff on sugar is really going to protect or stimulate the production of sugar in the United States to any appreciable extent or increase the prices which the beet-sugar growers in our country receive for their product. If I thought that this tariff increase would result in an appreciable enlargement in our domestic production and a better price to the domestic producers, I should favor it, despite the fact that no sugar is produced in Pennsylvania, because I do believe thoroughly in the policy of protection.

We must face the facts, however. About 6,000,000 short tons of sugar are consumed in the United States each year, about 5,000,000 of which we import. The principal importations are from Cuba, although we import large quantities from the Philippines and Hawaii.

I find myself in very close accord with my colleague from New Jersey [Mr. FORT] in his comment and constructive suggestion offered on May 21 in this House. I recognize, as he does, the danger that would lurk in an increase of tariff if coincident with that increase the price of sugar to the household should be advanced very considerably. I have understood that the Ways and Means Committee has endeavored, without success, to work out a sliding scale on sugar by which the tariff rate would be reduced as the market on refined sugar increases above 6 cents per pound. My whole background and history makes me cognizant of our responsibility as a nation both to Cuba and to the Philippines; but as legislators, after all, our first obligation is to the American people and American homes. I would seriously venture to hope that the committee would be able to so solve this rather difficult problem that the danger to those American homes and American pocketbooks might be guarded against.

A similar situation exists as regards the ores and metals schedule, where the tariff increases given by the committee do not in any measure protect home industry or aid in agricultural relief. I am very much in hopes that the Members of

Congress and the Finance Committee of the Senate will take into consideration my presentation of absolute facts regarding this schedule given in my speech of May 22, with accompanying statistical reports from the Government departments.

The slate industry, too, has been overlooked, its needs having been presented by me at the same time.

I do appreciate their courtesy and consideration in listening to me and acting on my recommendation regarding cement and potatoes.

Like Congressman FORT, I feel that the committee has labored earnestly, hard, and intelligently to do their duty as they see it; and while I can not as yet agree entirely with their proposed solution of these problems, I yet am voting for the tariff bill as a whole, recognizing it as the result of their serious labors, in the hope that thereby we aid presently in a better and more satisfactory solution in these items.

Mr. LANKFORD of Georgia. Mr. Speaker, I had hoped that the present tariff bill would contain so much of the good and so little of the bad as to merit the support of all of the House, without regard to party lines. I very much fear that the bill has more harm than help in it in so far as the people of my section are concerned. I feel, though, that this measure does more for the people of my section than any tariff bill heretofore written. I only wish that certain objectionable features of the bill could have been left out.

The people generally of Georgia and the Southeast Atlantic States will be greatly benefited by the tariff carried in this bill on peanuts, tar and pitch of wood, cowhides, pecans, and various other farm products.

I wish in behalf of my people to thank the Ways and Means Committee for the recognition given to the farmers of the Nation. While I have always opposed an exorbitant tariff, I have always favored a reasonable tariff on the products of not only the manufacturers but also of the farm, of the forest, and of the people generally.

I oppose very much certain administrative features of the bill and wish to say again that I believe we are delegating too much power to the executive branch of our Government. I have heretofore discussed this great menace to our liberties and hope to discuss it more at length in the future.

I consider all these measures from the standpoint of the farmers of the Nation. This extra session was called in order that laws might be made for their benefit. Then, after all, they are unjustly the great burden bearers of our Nation.

The farmer feeds, clothes, and shelters everybody, and pays nearly all the other expenses of all other people. The cost of luxuries and of necessaries of life of the public is, in nearly all instances, charged to and paid by the farmer. He pays practically all the expenses of operation of all the railroads. With very little help he pays all freight, passenger fares, and Pullman charges. This is the reason why the farm problem can not be effectively and permanently solved by cheaper freight rates on farm commodities or by the average tariff measure.

If freight is reduced on wheat, it is increased on some other item or items at the expense of the farmer. It may be increased on manufactured articles; if so, their selling price is increased and the farmer pays it. If the manufactured articles are bought by some one else, the cost, including the freight, is paid by money already made out of the farmer, or by some laboring man whose salary is charged into the cost of some other article the farmer will eventually buy.

Passenger and Pullman fares almost without exception are paid out of money either made out of the farmer and common people or charged to them in the selling price of something they must buy. The Pullman fare, hotel bills, theater tickets, and every known expenditure of millions of traveling men, middlemen, and in fact of almost everyone is paid either directly or indirectly by the farmer.

Reduce freight rates and passenger fares go up, and the farmer pays it. Reduce freight on an article and it goes up on another article or on Pullman surcharges, and the farmer pays it. The railroads pay freight and tariff on steel and other material used in the maintenance and operation of their lines, and the farmer pays an income on the investment and a profit to the owners.

Billions of dollars are spent in the construction of factories, magnificent buildings, stores, and offices, all of which is charged up in rent. The rent is charged up in expenses, and the expenses charged to the wholesaler, then to the retailer, and eventually paid by the farmer.

Lawyers' fees of corporate interests are passed on to and paid by the farmer. The big financial interests spend millions of dollars—money either made out of the farmer or charged up to him—in campaign funds, for newspaper and other propaganda to control legislation. Thus the farmer is forced to make exorbitant expenditures to be used in working the ruin of himself and family. The farmer is paying for his shackles, for his blindness, and for his own ruin and annihilation.

The farmer pays for the steel that goes into the railroad bridge, for the steel that goes into the skyscrapers in the large cities, and for the steel that goes into the Packard automobile of the millionaire. The farmer pays for the steal that goes into the rich man's pocket. He pays for the steal that goes into big campaign contributions, and the farmer pays an awful price for the steal that is used to pay for propaganda to deceive the farmer and to destroy him. If the farmer is given an advantage in one instance in a tariff schedule, he loses by some other changes and pays the bill. The big interests are protected always at the expense of the farmer. If the farmer gets a better tariff on cowhides, the manufacturer gets more tariff on shoes and what the farmer gains is taken from him tenfold in the additional cost of shoes. Thus it is as clear to me as the noonday sun that the farmer's problems can never be permanently solved by freight-rate adjustments, tariff tinkering, or debenture legislation.

Some good may come from these things, and I favor doing all possible along these lines, but at last the farmer will never be on a parity with other industries until he can name the price of what he has for sale as fully and completely as this privilege is enjoyed by others. Many who should be friends of the farmer are deceiving him, robbing him, and making him promises which they never expect to keep.

Surely no one has ever been so true to his Nation as the farmer, and yet this Government has all the while been most false to him.

Mr. Chairman, the farmer carries on his broad, honest, industrious shoulders the burdens of the whole world, while all the people of all the earth are not only riding and increasing his burdens in every way possible but are tearing the ground from under his sturdy tread; building pitfalls on every side and shoving and kicking him about with a greedy, malicious force which he can not master and overcome; binding his hands and feet with fetters which he can not loose; stopping his ears and blinding his eyes with a poison he can not conquer; plundering his property and destroying his morale at every turn by schemes and devices beyond his control; and leading and driving him to a doom and an annihilation which he can not avoid or prevent.

This is an awful picture. I wish it were not true. The farmer has always been robbed by those who do not labor. He has never had a square deal with other industries. I sometimes fear he never will get it. Even in Holy Writ it is recorded:

> Woe unto him that buildeth a town with blood and stablisheth a city by iniquity.

This sounds like an indictment at the present time by the farmers of the Nation against those sponsoring the present iniquitous, so-called farm relief program. It is not a new cry. It is an indictment that has come down the ages—an indictment against the mightiest and most notorious robbers of all time.

I believe the farmers can, and eventually will, be put on an equality with other industries. I do not want to think otherwise. I sometimes feel, though, that there is very little reason for the hope that is within me.

Since we are discussing tariff, freight rates, farm relief, and so forth, may I not make just a few observations concerning the debenture scheme as now proposed by the Senate.

Even before I came to Congress, in fact, ever since I began a serious study of the farm problem, I have favored the export debenture, not as a complete solution of the farm problem but as a scheme which would indirectly help the farmer. The plan appealed to me before I came to Congress and since coming here I have made many speeches in which I indorsed the plan. I am now very much in favor of making it a part of the pending farm bill, as proposed by the Senate. I shall not attempt to discuss the plan in detail at this time. In passing, I will say, though, that every argument that can be made in behalf of the protective tariff can be made with equal force in support of the debenture, and every argument that can be lodged against the export debenture can be urged just as fully against the tariff.

One is the pot. The other is the kettle. Neither can call the other black and thereby make its own color brighter. If one is good the other is equally perfect. If one is bad the other is no better. Each can truthfully say to the other, "You are another." If one is a bounty so is the other. Each keeps money out of the Treasury.

Take a good argument in favor of or against the tariff as a principle, strike the word "tariff" wherever it occurs and insert

the words "export debenture" and you have equally as good reasons for or against the debenture. They are twins. One, by the bills now pending in Congress, would prove more helpful to the manufacturing interest, while the other would be more beneficial to the farmer.

To my mind, the line-up for and against the debenture shows most fully and completely the line-up of the true friends and enemies of the farmer. I can not see how anyone can fully comprehend the debenture scheme, favor the protective-tariff policy, be a friend to the farmer, and yet oppose the export debenture. I can not comprehend how anyone understanding each can honestly espouse one and abhor the other. How can a man with two perfect eyes like one eye and hate the other?

No amount of speeches and propaganda will ever convince the farmer that the tariff is good for the big interest and that the export debenture, offering the same relief to the farmer, is a failure and altogether bad. I shall not argue the matter further now, but content myself with quoting some short extracts from remarks previously made by me on the debenture plan.

On February 25, 1928, as appears in the hearings of the Committee on Agriculture of the House, page 639, I said:

I have another suggestion which I wish to make to the committee. I took the McNary-Haugen bill and performed a simple, painless, bloodless operation by trimming out of that bill the equalization-fee provisions and inserting in lieu thereof the debenture plan in a modified form. I provided that the debentures be issued not to the exporters but that the proceeds go into the stabilization fund of the McNary-Haugen bill so as to make unnecessary the equalization fee and yet give the farmers the benefit of the other provisions of the McNary-Haugen bill. I believe this plan is preferable to the present plan of an equalization fee. I know that I like the idea much better.

Then again, when the last McNary-Haugen bill was being considered in the House, on May 3, 1928, I sought to amend the bill by adding the debenture scheme as appears on page 7760, CONGRESSIONAL RECORD for the Seventieth Congress, and during the course of my remarks said:

Of course, I do not contend that I originated the debenture plan. The idea is not at all new, and there have been introduced several farm relief bills containing the idea in one form or another. I have several times stated on the floor that I was favorably impressed with the plan. I believe it would help the farmer, but it is objectionable, to some extent, because the help is too indirect. The debentures are issued to the exporter of cotton or other products, and he sells them and eventually some of the money arising from the sale may find its way to the farmer's pocket.

I reintroduced in the House some time ago the McNary-Haugen bill, with the equalization-fee provisions stricken out and the debenture plan inserted in lieu of the equalization provision, except that in my debenture plan I provided that the money arising from the sale of debentures should be paid to the board provided in the McNary-Haugen plan, so as to make unnecessary any equalization fee. This idea, so far as I know, is original with me and is not incorporated in any other debenture plan.

The amendment now offered by me, if adopted, would put into effect the McNary-Haugen bill with the debenture plan inserted into it, so as to make unnecessary the vicious equalization-fee provisions.

In order to emphasize my opposition to House bill No. 1, the so-called farm relief measure, and in order to show my consistency, I want to quote from some of my own remarks heretofore made, where I went on record as favoring certain specified legislation for the farmer. It will be seen that the present bill is contrary to my views as then expressed, and that the arguments I made then contain splendid reasons why the present bill should not become law.

From my remarks on January 21, 1927, as appear on page 2091 of the RECORD of the Sixty-ninth Congress, I quote as follows:

I will not support a bill specially designed to make profits out of the farmer instead of helping him. I will not support a bill which I believe provides machinery which is to be controlled by the enemies of the farmer and which will very probably be used against him. I am anxious for a bill definite in its terms and to be controlled by the farmers or their friends. Let us give the farmers of the Nation a measure simple in its terms, without red tape, and clearly in behalf of the farmer and no one else, with the rights of the farmer well defined and not left to be settled later, and with power, capital, and authority to get remedial results for the farmer.

From the same speech I quote as follows:

There are so many ways to defeat farm relief legislation. One way is to pass no bill at all; a more dangerous way is to pass a bill, as has ofttimes been done, that has a pretty name or caption but which will not help the farmer and only provides for salaries, organizations, expenses, and advice. This kind of bill gives the fellow who never farmed a minute the chance to tell the farmer all about farming, and gives the so-called experts a change to stay in Washington and get salaries out of the Treasury while they are telling the farmer at long range how to solve his problems. The most dangerous bill, though, is one that sets up machinery and an organization with power which very probably will fall into the hands of those who wish to exploit the farmer rather than help him. This kind of bill furnishes an excuse for doing nothing for the farmer and at the same time enmeshes him in a web of red tape from which he can not easily disentangle himself. Another dangerous kind of legislation is that which is indefinite in its terms and which vest great authority in bodies of men without sufficient limitations in behalf of the farmer, but with limitations in behalf of those who are antagonistic to the farmer.

Again I quote as follows:

Is it not possible to draw a bill for relief of the farmer so simple and definite in its terms as to be understood by all and which the farmer would know was in his behalf? I think such a bill can be drawn.

From my remarks of May 1, 1928, on page 7579 of the RECORD of the Seventieth Congress, I quote as follows:

Real farm relief legislation, to my mind, must be definite and unequivocal in its provisions as to the duties and powers of those officials who by any chance may be unfriendly to the farmers sought to be helped, and must with the utmost definiteness provide for the farmers to be the sole triers and arbiters of all discretionary matters and issues. Otherwise the enemies of the farmer will capture the very means set up for the farmers and thereby further exploit and rob them.

I then said that I opposed the very kind of legislation which we are now about to pass. My determination to oppose this kind of so-called farm relief legislation becomes stronger as I see more and more of the operation of bureaus, boards, and commissions. Congress must solve the farm problem or leave it still unsolved. Boards will not solve it.

Congress should only create boards, commissions, and other bureaucratic agencies to do the will of the people as expressed through and by Congress. The will of the people is supreme. Congress as the agent of the people has the right to create bureaus and boards to do the will and bidding of the people and should exercise this power for this purpose only.

The people have the right to create, rule, control, and destroy boards, but boards have no such rights against the people who created them. The farmer is very much in need of a good farm board or other Government agency to do the will of the farmer on a plane of equality with other industries. A farm board with broad powers and licensed to do its own will, financed by almost unlimited money, if not officered by the most intelligent, honest, sympathetic men in the Nation is, at best, a dangerous experiment. Once such a board gets under control of dishonest, designing men it becomes an awful menace to the farmer and its acts become a continuing outrage of the vilest type.

The people at the ballot box delegated to Congress the authority and duty to solve the farm problem, and we have no right to ignore their mandate by creating a board to be turned loose on the country with little or no authority to help the farmer, with specific instructions to help others at the expense of the farmer and with almost unlimited power to further enslave the farmer and run his affairs rather than enable him to breathe the free air of economic liberty and manage his own business, property, and life.

I regret very much to say so, but I firmly believe that Congress is not enacting the laws which were promised to the American farmer. Many here are true to the common people. Too many, though, are false. I still hope for the happy dawn of a new day of economic equality for the farmer and of equal justice for all the people.

Mr. LUDLOW. Mr. Speaker, the tariff question was virtually eliminated from last year's campaign by practically identical declarations of both great parties on that subject.

The Houston platform declared the following tariff principles and pledged the Democratic Party to support those principles:

1. The maintenance of legitimate business and a high standard of wages for American labor.

2. Actual difference between the cost of production at home and abroad, with adequate safeguard for the wage of the American laborer, must be the extreme measure of every tariff rate.

That was the last pronouncement on the tariff by the Democratic Party of America in national convention assembled. When it was adopted I immediately accepted it, and I made my campaign for Congress on the principles therein set forth. I was one of the candidates for Congress who answered our

national chairman's telegram affirmatively in which he sought to pledge us anew to this view of the Democratic position on the tariff.

At factory meetings all over Indianapolis during my campaign for Congress I made the following statement:

The manufacturers of Indianapolis, the people who work in the manufacturing establishments, and the general consuming public are entitled to know in advance of the election my views on the tariff. I stand for a tariff that will take into consideration the actual difference between the cost of production at home and abroad and that will safeguard the wage and the standard of living of the American laborer. I am unalterably opposed to a monopolistic tariff, and by that I mean a tariff that would enable monopolies to exist and to lay their conscienceless tribute on consumers. There is a happy median line where a reasonable and helpful tariff stops and monopoly begins. To find that line and adhere to it in the framing of our tariff laws is an ascertainment of fact to be worked out schedule by schedule.

It seems to me that the tariff plank of the Democratic national platform adopted at Houston senses in a very discriminating and accurate way the requirements of the American industrial situation. That it has done so is indicated by the fact that there has not been a ripple of business disturbance in this year's presidential and congressional campaigns. Employers are taking it for granted, I think, that, no matter how the election may eventuate, the activities of legitimate industry will remain undisturbed. I stand on the Houston platform.

The Houston platform, on which I stood during the campaign, also declared for the extension of the industrial tariff policy so as to include agriculture, its pronouncement being as follows:

The Democratic Party has always stood against special privilege and for common equality under the law. It is a fundamental principle of the party that such tariffs as are levied must not discriminate against any industry, class, or section. Therefore, we pledge that in its tariff policy the Democratic Party will insist upon equality of treatment between agriculture and other industries.

I agree with the convention that spoke for our great party at Houston that a tariff which measures the difference in the cost of production at home and abroad and maintains the American standard of living is Democratic. I would have little respect for myself if I did not stand after the election on the same platform on which I stood before the election and on which I made my campaign. Good faith requires that I should vote as I promised before the election.

I believe that a national platform is the supreme mandate of the party, binding on its members when they are in office as well as when they are candidates for office. Some of the most urgent requests I have received to support this bill have come from Democrats who believe in the sacredness of the platform pledge.

In many respects the tariff bill on which we are about to vote does not meet my approval. I regard some of the rates on manufactures as too high, but I can not say that they reach the point where monopoly begins. I think even the high rates in the bill are competitive rates. I disapprove of the rates on gloves, surgical instruments, and some other manufactures, but I am not permitted to vote on items but must accept or reject the bill as a whole. I am unalterably opposed to any increase, whatever, in the tariff on sugar, as well as to the administrative provisions known as the flexible tariff and the clause which gives to the Secretary of the Treasury the power to fix valuations without appeal. I think the sugar item, standing by itself, is indefensible.

I am pleased to know that the bill makes a worth-while advance in the direction of extending protection to agriculture, as advocated by the Houston platform. It goes further than any other tariff bill in the history of the country in establishing agricultural rates, and while the bill does not go as far as it should, in my judgment, toward putting agriculture on a parity with industry it does contain many rates that should be of benefit to agriculture in Indiana and other States.

In line with the pledge of the Houston platform in regard to both a tariff for industry and a tariff for agriculture and in line with what I believe to be the preponderant sentiment of the seventh Indiana district, which I have the honor to represent, I shall vote, first, to recommit the tariff bill with instructions to eliminate the objectionable administrative features, and when that motion fails, as it will, I will vote for the passage of the bill. I do this with the reservation, which I wish to be clearly understood at this time, that if the bill comes back to the House from the Senate with the tariff on sugar increased or with monopolistic rates inserted in place of competitive rates, I will then exercise such freedom in voting on the adoption of the Senate amendments as my judgment and conscience may dictate. I wish to emphasize that I do not commit myself to the bill in its final shape after the Senate has finished with it. My immediate responsibility is to vote on the bill in its present form, and I vote "Yea."

Mr. HULL of Tennessee. Mr. Speaker, it is my frank opinion that if the Democratic membership of the House of Representatives had taken conference action on the Hawley-Smoot tariff bill, 80 per cent of them would have agreed in substance and in principle to the following summary of tariff and economic views which I reduced to writing while the tariff bill was pending:

That we condemn and denounce both the method of tariff making and the iniquitous tariff policy pursued by the present extreme reactionary, standpat, and dominant Republican leaders in close alliance with a small segment of industry, comprising the chief industrial tariff beneficiaries, under which the latter are permitted to dictate, primarily in their own interest, the present and the proposed extreme high tariff and narrow commercial policy of the Nation. That their tariff revisions, always upward, are intended to promote domestic monopoly for themselves, while impoverishing other domestic industries and flouting foreign markets for our burdensome surpluses, and the national welfare as a whole. That the proposed revision which is an embargo against any direct competition as to most industrial products, grossly discriminates against agriculture and the great consuming public, severely handicaps our export trade, invites bitter retaliation, and is wholly inapplicable to our new and changed postwar economic conditions.

That the time has come for gradual and careful revision of these excessive industrial rates—by an uncontrolled Congress with the aid of an impartial fact-finding commission—to a level of moderate or competitive rates, rates so adjusted as to prevent conditions of domestic monopoly on the one hand and to avoid abnormal or unreasonable imports against efficient industries operating under normal conditions on the other. That with this policy of moderate tariffs we would combine liberal trade policies, both designed to increase healthy production, maintain high wages and living standards, employ the maximum amount of capital and labor, and find wider and better world markets for our ever-increasing surpluses.

That we are unalterably opposed to section 315 of the tariff act, the flexible provision, and demand its speedy repeal. That we strongly condemn the proposed course of the Republican Party which contemplates the enlargement and retention of this provision, with such additional authority to the President as would practically vest in him the supreme taxing power of the Nation, contrary to the plainest and most fundamental provisions of the Constitution—a vast and uncontrolled power, larger than had been surrendered by one great coordinate department of Government to another since the British House of Commons wrenched the taxing power from an autocratic King.

That we submit to the candid judgment of the American people these views embodying our profound convictions as to the wisest economic step that can at present be taken. That these views contemplate the gradual and actual carrying out of the concrete Jeffersonian doctrine of equal rights and opposition to special privilege.

Mr. Speaker, the foregoing statement of economic views naturally seeks to define policies rather than to undertake a detailed analysis of the present and proposed tariff structure. I desire emphatically to protest against certain press reports which undertake to place Democrats generally in the attitude of being in sympathy with the pending Republican tariff bill, although voting largely against it upon some administrative or other collateral or minor objection not relating to the merits of its embargo nature and its fixed policy of superprotection.

I do not deny that a small minority of Democrats may have so voted, but the overwhelming majority, in the light of their individual utterances, were unquestionably actuated by motives of sincerest and fundamental opposition to the Republican tariff-revision measure that recently passed the House. In justice to them and to the Democratic Party, the integrity of the economic philosophy of which they strove to maintain in the light of postwar conditions, it is due that what a large number of us considered to be the truth of the situation should be asserted and maintained. The opposite contention can only be conceived by generalizing from the attitude and conduct of a few individual members who seem honestly to be in more or less sympathy with what is best known as the Republican policy of superprotection.

In the circumstances I earnestly appeal to unofficial Democratic leaders, to the trusted rank and file, and to liberal or progressive Republicans and independents throughout the country to aid in keeping alive and prominent the tariff and commercial policy herein set out. It is my unalterable opinion that these economic doctrines and policies, so thoroughly applicable to our present domestic and international industrial and commercial situation, must soon be adopted by this country. May I at this point say that had I been offering the motion to

recommit the Republican tariff bill, I would have included the repeal of section 315, the flexible tariff provision, revision of the rate structure in accordance with the ideas and the formula hereinbefore set out, reduction rather than increase of the sugar tariff, restoration of right of judicial review of the question of the proper basis of appraisement, and the enactment of a comprehensive tariff commission law substantially along the lines of the excellent draft some time ago prepared by Dr. Thomas W. Page, one of the ablest economic authorities in America—such commission to be amenable at all times to the requests of Congress, and also clothed with authority to make investigations and report to the President touching all important phases of commercial policy, questions, and problems falling under the jurisdiction and duties of the State and other branches of the executive department. I supported the motion to recommit, despite the tariff formula it contained which I did not believe in, but primarily because of its proposal to repeal the flexible tariff provision.

In this connection I recall a published statement I gave out more than a year ago when the rather acute commercial controversy arose between this country and France, and since that controversy has not yet been settled, I venture to include my published statement in these remarks, as follows:

The refusal of France to grant the United States gratuitously certain tariff favors recently extended to Germany for equivalent concessions in return, raises a question far deeper and more fundamental than the naked question of France's refusal. It sharply challenges and brings before the American people, for searching reexamination and revision, our present tariffs and the trade policies they essentially embody, because it is upon the nature and spirit of these that the strength of our Government's position in the pending controversy must chiefly rest.

One defect in the logic and soundness of the respective positions of our Government and France is that each is attempting to apply pre-war policies, measurably obsolete, to the new and vastly changed post-war economic conditions. France for some years has clung to the "conditional" interpretation of the most-favored-nation doctrine, under which tariff concessions are only granted in return for equivalent concessions. Our own Government uniformly pursued this same policy until 1923, when, without condemning or repudiating the principle, President Harding proclaimed the unconditional most-favored-nation doctrine in its stead, chiefly for the reason, to quote his words, that "it is the simpler way to maintain our tariff policies in accordance with the recently enacted law." The primary purpose of the French bargaining tariff policy was to promote foreign trade, while that of the United States in changing its policy was to fortify the Fordney tariffs against the slightest assault with minor concern for foreign trade.

In the light of the new postwar economic conditions, a nation may consistently pursue a policy of moderate tariffs, freedom from economic barriers, and fair and friendly trade relations, thereby advancing the material welfare of all; or it may pursue a policy of extreme high tariffs with severe trade restrictions, thereby diminishing trade and promoting economic wars. Following the war there was every reason for the adoption of the former tariff and trade policy by the United States. Although this country occupied a dominant and impregnable position in both domestic and international commerce, it shortsightedly proceeded to lead the nations of the world in the opposite direction by the adoption of prohibitive tariffs surrounded by a network of discriminations, restrictions, embargoes, retaliations, and boycotts. There are 11 bald discriminatory provisions in the Fordney Act, while near two-thirds of the rates and classifications are practically prohibitive. Having constructed this almost insurmountable tariff wall, our Government, under the threat of penal tariff retaliation through section 317, proposes to enforce its new doctrine of "equality of trade treatment" as contained in the unconditional most-favored nation policy. This unnatural and hybrid combination of economic policies greatly weakens the United States in the field of international trade. Our new "equality of treatment" policy is utterly inconsistent with and repugnant to a prohibitive or embargo tariff system. It is a hollow mockery to prescribe prohibitive tariffs and then with pretended seriousness to announce to other countries that in selling to us they shall be assured "equality of trade treatment." Such prohibitive tariffs as ours are also a challenge to other nations to erect similar tariffs, and we are estopped to complain when we receive a dose of our own tariff medicine. It is amazing to observe that, with prices equalized, our imports of finished dutiable manufactures are not appreciably greater to-day than in 1913, although our consumption has doubled. And in this vast range of finished commodities alone is found the real test of the nature of a tariff structure.

The principle of "equality of trade treatment" is an inseparable part of the broad doctrine of freedom from economic barriers, including discriminations and unfair trade methods or practices, in international trade. The recent world economic conference at Geneva echoed the best economic thought everywhere when it proclaimed excessive or prohibitive tariffs as "one of the chief barriers of trade." America, as the principal offender in this respect, is in an awkward position to challenge a small economic barrier in the form of a French tariff discrimination. A nation has the unquestioned right to enact tariff embargoes, but in so doing it may weaken or even forfeit in equity its otherwise equal right to demand equality-of-trade treatment. It is a startling fact, too, that under American leadership, countries have carried purely nationalistic tariff policies to such excesses as to call forth a challenge of their right to do so on account of the far-reaching burdens inflicted upon international trade.

Under the operation of moderate tariffs and fair and liberal trade policies, the United States to-day would be exporting around eight billions dollars of products instead of less than five billions under a tariff policy which ignores external-trade interests and seeks alone to preserve a monopoly of the domestic market. The pursuit of the former wise economic policy would have avoided our serious problem of overproduction in agriculture and a rapidly increasing number of other industries, during recent years.

The present clash with France is but one of many outcroppings of the damaging and destructive effects of our antiquated tariff and trade policies. They are arousing jealousy and hate and seriously choking our export and foreign market situation, only feebly maintained thus far by loans of $12,000,000,000. We are daily inviting other nations to form economic unions against us. The President under the Constitution can fairly adjust the French controversy by negotiating a reciprocal agreement containing mutual tariff concessions and permitting Congress at the coming session to carry the treaty into effect by suitable enactment. The Canadian reciprocity treaty affords a complete precedent.

The wise and broad course at this juncture would be for all commercial nations, on their own initiative, to proceed to reduce their excessive tariffs and follow such action by a general trade agreement—rather than a mass of bilateral agreements—embracing the unconditional most-favored nation doctrine and eliminating the remaining important economic barriers, discriminations, and unfair methods in international trade. The issue is here.

From every standpoint the duty and the responsibility is on the United States to lead the world out of the economic blind alley into which it heretofore led it. The party in power is both incapable and unwilling. Our own tariff reduction is the first logical step. It is manifest that the American people will be compelled at an early date to decree revision of the Fordney tariff to a decent level—a tariff which is either the chief or a major factor to-day in the following 11 outstanding conditions: The high cost of living; the high cost of production; excessive freight rates to the extent of over $200,000,000; the measurable prevention of the repayment of $22,000,000,000 of public and private debts due from abroad; inability to maintain and develop a suitable merchant marine; existing barriers, obstructions, and restrictions against international commerce; trade retaliations, reprisals, discriminations, and holdups; the growing number of trusts and other price-fixing combinations; the use of unlimited slush funds to corrupt and buy elections and control the Government; the long delay in the restoration of credit and commerce and the economic rehabilitation of European countries; and the redistribution of wealth as between agriculture and industry in this country.

Mr. Speaker, the foregoing comment is as relevant now as it was 18 months ago, although it could now be applied to acute trade conditions that have since arisen in connection with numerous other countries. May I also include in these remarks a timely and pertinent published statement of April 6, 1929, given out by me some weeks before the Republican tariff bill had seen the light of day, but which according to subsequent developments proved to be an accurate forecast of what was coming out of the committee relative to the enlargement and revision of the flexible tariff provision, and also the abandonment of all tariff formulas? The statement reads as follows:

Two phases, among others, of the pending tariff revision become increasingly interesting. One relates to the future scope and status of the flexible provision, and the other to a formula by which tariff rates shall be prescribed. It is just as important to reduce or remove excessive or useless rates as to raise those deemed too low. Prior to the Payne-Aldrich Act, Republicans brushed aside all tariff formulas and insisted that rates might safely be applied high and indiscriminately upon the assumption that domestic competition would hold prices down to a reasonable level. President Taft, later speaking for his party, frankly confessed, in effect, that this theory has completely broken down, and that combines had sprung up everywhere to raise prices abnormally behind the tariff walls. From that period until recently Republican spokesmen proclaimed and pretended to observe the formula that would measure tariffs by the difference between production costs at home and abroad. An exception was made so that no rule of tariff measurement was observed when the Fordney-McCumber Act was framed, on account of abnormal postwar conditions.

The breakdown in practice of this cost-of-production tariff formula is now generally recognized, due to inability to secure accurate foreign costs to the extent necessary for any comprehensive tariff action here. Upon what rule or formula, then, will the pending Republican tariff revision be based? It is not pretended that we can procure accurate foreign production costs save to a limited extent. We have not done so. Manifestly, in the pending revision, there will be no standard of measuring tariffs, but rates will be prescribed without rule or limit as they were prior to 1910, upon the completely discredited and exploded theory that we can again depend upon the competition of domestic industries to hold prices down to a fair level. And yet, in the same breath, some Republican spokesmen express apprehension that the rates may be made too high.

If high tariffs are in the interest of the general public, as is claimed, and if domestic competition can be depended upon to hold down prices, why should some Republican spokesmen become so fearful about still further increases of rates or why should they hesitate to discard all tariff formulas as they did prior to 1910?

The seriously discussed Republican proposal to enlarge the flexible provision instead of repealing it, should awaken general interest, in the light of our past experience with this provision. It was conceived through sinister motives, and its professed purposes have been hopelessly distorted, perverted, and prostituted. It was conceived for the two-fold purpose of placating those who sought either tariff increases or tariff decreases, and also the House champions of the American valuation plan. It was to be an all-inclusive agency readily to afford tariff increases or decreases to those so requesting, and still more important, Republican spokesmen assured the country that its paramount function would be exercised in lowering rather than raising the Fordney tariff rates, confessedly made excessive in major instances when the Fordney Act was written.

The sum total of the functions of the flexible provision since 1922 has been tariff increases in about 20 cases, many of which are of relative importance, with only five or six decreases of duties of such trivial importance as bobwhite quail, paintbrush handles, etc. This policy of tariff increases was in the face of a vast range of confessedly excessive rates left untouched. One most damaging effect of the flexible provision has been greatly to lower the prestige and impair the efficiency of the tariff commission. Most of the time the commission has been diverted to work under the flexible provision, although it could have rendered a tremendous public service in prosecution of its statutory duties relating to investigations and reports on the effect of our tariffs upon the industries and labor of the country, and in assembling a vast range of industrial and trade facts far enough in advance of tariff revision to afford Congress and the public an opportunity to examine, digest, and utilize them in determining rates.

Virtually all the real functions of the Tariff Commission became inoperative on account of the constant and insistent demands of various interests for additional tariffs through the flexible provision. These interests, often none too scrupulous, strive to pack the Tariff Commission and to overpersuade or browbeat members in given instances. Conditions bordering on national scandal have been the result. The President even declined to observe the mandatory provision of the flexible tariff when he refused to take automatic and affirmative action on the report of the Tariff Commission calling for reduction of Cuban sugar duties from 1.76 to 1.23 cents a pound. A similar violation occurred in connection with the report on linseed oil, and, I think, on halibut. The law says that when differences in production cost here and abroad are shown by investigation he shall ascertain said differences and determine and proclaim the increases or decreases suggested by the facts, etc. Further to enlarge the flexible provision would give the President autocratic power and would enable him virtually to make over any tariff system enacted by Congress, while all persons and businesses seeking either increases or decreases of rates in the pending revision would be solemnly assured, as in 1922, that this rapid-fire flexible agency would give favorable action to each.

This flexible provision, known as section 315, has failed in practical value, kept business in a state of uncertainty, consumed most of the time of the Tariff Commission, absorbed a large amount of the time of the President already overburdened, almost divorced the Tariff Commission from relationship with Congress in connection with which its chief duties should lie, lowered the personnel and involved it in bitter factional differences. Unless Congress is virtually to abdicate its one outstanding function and delegate it to an unnatural agency such as that created by the flexible provision with its colorful, disappointing, and debased record of operations since 1922 it would be wholly unwise not to repeal this provision and still more unwise to enlarge it instead.

Mr. Speaker, in order to offer overwhelming official Republican testimony to the complete breakdown of the former Republican policy of levying tariffs high and indiscriminately, without any formula or standard of measurement—the identical policy on which the present revision is based—I herewith insert extracts from two speeches of President Taft.

In his address at the National Corn Exposition at Columbus, Ohio, February 10, 1911, President Taft said:

I am a Republican, and the Republican Party has always advocated and pursued a policy of protection to American products and manufactures. For a long time the policy had little or no limitation. It was thought that tariffs on protected products could not be too high; that if all foreign products were excluded competition would stimulate production and reduce its cost and its price. The temptation to destroy competition by combinations became so great, however, that the party in its platform modified its policy and imposed the limitation that the tariff should be limited for purposes of protection to the difference between the cost of production in this country and the cost of production abroad, with an allowance for a reasonable profit to the American producer.

At Springfield, February 11, 1911, President Taft said:

There was a time when leading Republicans thought that there was no danger in having a tariff higher than necessary to protect any industry. It was thought that if the country was made dependent on manufacturers behind the tariff wall the competition between the manufacturers would stimulate the reduction in the cost of production and thus reduce the price. But the temptation to combine by which the price could be controlled and thus the excessive tariff taken advantage of led to a modification of the protection theory and to a declaration that the protection of any industry ought not to exceed in the tariff imposed more than the difference between the cost of production abroad, the cost of production here, and enough to give a fair profit to the domestic producer or manufacturer.

Mr. Speaker, I might easily point out numerous instances in which industries sitting smugly behind embargo tariffs have entered into unlawful combinations to raise prices of their products to the consuming public. The most recent instance relates to the paper-box industry in New York, which has a tariff of 35 per cent. Suit was instituted in New York within the past few days undertaking to set out and allege the details of just this sort of an unlawful combination to raise prices, according to current news publications.

Mr. Speaker, perhaps no two classes of the American people have been longer and more completely misled by the preachment of the Republican tariff fallacies than agriculture and labor. I recently referred at some length to the Republican bugaboo about "cheap foreign labor" and submitted numerous facts, figures, and tables conclusively showing that our high-priced American labor is, to a large extent, the cheapest labor in the world, for the reason that the output per man is so much greater than that in most other countries. In other words, industry here is able to secure production, larger in both quantity and value, for each dollar paid to labor, than it is possible to obtain in most industries elsewhere. I herewith submit two tables showing relative wages and productivity in the United States and Great Britain, and also in the United States and Germany, as follows:

Relative wages and productivity United States and German labor

Industry	Per cent German is of United States wage	Per cent German production per employee is of United States production per employee		Per cent German horsepower is of United States horsepower per employee
		Quantity	Value	
Coal	43.49	33.96		
Petroleum	25.08	12.45	20.91	29.82
Petroleum refining	27.02		29.05	49.71
Iron ore	24.23		17.91	60.97
Pig iron	29.02		29.21	30.90
Coke	30.73		48.94	36.61
Iron and steel foundries	27.39		27.56	42.47
Cement		50.41		38.31
Sulphur	29.90		7.78	
Graphite	27.75		26.59	15.37
Salt	30.79		27.08	
Sugar refining	38.48		35.95	58.53
Paper and wood pulp	29.50		28.65	36.11
Motor vehicles	27.88		21.40	31.98
Rubber tires	28.50		50.25	46.43
Leather	33.84		[1] 49.16	56.16
Linen goods	35.00		[1] 30.86	19.75
Jute goods	35.00		[1] 42.33	31.46
Silk	32.73		[1] 47.72	32.67
Cordage and twine	35.00		[1] 42.08	43.70
Cotton spinning, etc	35.00		[1] 40.35	63.73
Simple average	31.32		32.84	40.29

[1] Value added by manufacture less 3 per cent to cover fuel and supplies not deducted in German statistics.

Relative wages and productivity, United States and British labor

Industry	Per cent British wage is of United States wage	Per cent British production per wage earner is of United States production per wage earner		Per cent British horsepower per wage-earner is of United States horsepower per wage-earner
		Quantity	Value added by manufacture	
Coal	62.6	23.11		
Chemicals	41.27		39.85	34.12
Paints and varnish	41.94		38.84	52.76
Soap	47.22	25.51	40.61	59.24
Brick, tile, and refractories	45.27		43.54	51.09
Cement	47.04	36.61	35.84	41.67
China and earthenware	34.06		35.18	48.90
Blast furnaces	45.81	23.28	17.88	39.70
Motor vehicles	40.00		28.24	40.73
Railway cars	40.18		36.04	52.69
Electrical machinery and supplies	37.11		31.82	52.03
Tools, saws, files, etc	36.62		31.78	83.92
Textile machinery and parts	37.13		29.89	65.32
Lumber and timber products	58.92		55.46	70.83
Furniture	46.18		37.66	31.84
Grain milling	49.88		36.35	35.72
Sugar	53.10	27.07	49.44	55.70
Bakery products	38.64		37.84	47.18
Confectionery	47.12		40.48	51.90
Paper and paper board	42.00	40.54	40.43	30.26
Wall paper	44.60	52.38	59.17	48.02
Printing and publishing newspapers and periodicals	36.15		38.07	79.86
Cotton spinning and weaving	52.20	52.64	50.66	62.55
Woolen and worsted goods	37.02		41.30	68.75
Cordage, twine, jute goods, etc	41.20		32.27	36.36
Knit goods	43.25		39.75	34.74
Leather	46.47		46.77	63.10
Boots and shoes	46.84		39.45	71.64
Saddlery, harness, trunks, bags, etc	35.16		27.22	38.67
Simple average	43.96	36.39	38.64	51.76

Mr. Speaker, these figures showing relative wages and productivity here and elsewhere, which are supplementary to other tables of figures I recently submitted to the House completely disprove and brand as a fake and a fraud Republican campaign catch words about the always imminent danger of competition of "ignorant foreign pauper labor."

THE AGRICULTURAL SITUATION

Mr. Speaker, the American farmer who—in the light of eight years under the policy of extreme high-tariff protection—has not yet discovered that this policy is not terrifically injuring agriculture as a whole, must be deaf, dumb, and blind. On November 4, 1928, a noted economic organization, the National Industrial Conference Board, gave out a statement relative to the agricultural situation which is very illuminating, especially to those benighted persons and those extreme Republican partisans who are still pretending that agriculture can be saved by still additional tariffs. The statement is as follows:

The agricultural situation has shown no fundamental improvement during the past six years and current indications warrant no expectation of such a change in the near future, according to the National Industrial Conference Board, 247 Park Avenue, New York. The conference board's view is based upon an analysis of new governmental data regarding agricultural costs and prices recently made available by the Department of Agriculture.

All prices of materials entering into the farmer's production costs, as well as his living costs since pre-war days, have risen relatively more than the prices received by him for his products, as have farm wages, taxes, and interest. Since 1914 average prices received by the farmer, at the farm, for 30 representative products, weighted according to their relative importance, have increased 28 per cent. But prices for goods used in agricultural production, such as feed, agicultural machinery, fertilizer, building materials, and seed, have increased on the average 45 per cent; farm wages, both with and without board, average 68 per cent higher than in 1914; the cost of family maintenance, measured by the retail cost of such commodities as the farmer has to purchase, has risen 58 per cent; taxes, 158 per cent; and interest on farm indebtedness, 66 per cent. The five items combined, according to the conference board, represent an increase of 65 per cent in the cost of farm operation; against the increase of farm prices, that is, prices for farm products received at the farm, of only 28 per cent.

These figures, it is pointed out, show only the relative position of the purchasing power of the farm dollar, and do not by themselves constitute a measure of farm income or expenditures, inasmuch as they do not take into account the volume of production and sales nor the amounts actually expended. Study the agricultural gross income—expenditures and cash net income—however, reflect the unfavorable economic position of agriculture subsequent to the war, as indicated by the unfavorable price trends. The agricultural gross income has shrunk from $15,710,000,000 in the crop year 1919–20 to $12,253,000,000 in 1927–28, the net cash income from $5,147,000,000 to $3,168,000,000. In 1920–21 the gross income dropped to $9,214,000,000 and the net cash income to $1,168,000,000. Cash expenditures, however, have remained much more stable during this period, totaling $6,648,000,000 in 1927–28, when the gross income was $12,253,000,000 against $7,685,000,000 in 1919–20, when the gross income was $15,719,000,000. In 1921–22, when the gross income was only $9,214,000,000, expenditures amounted to $5,917,000,000.

Taxation has proved one of the most burdensome factors to agriculture during postwar years, having increased from 4.4 per cent of farm net income in 1919 to 13 per cent in 1921, 16.4 per cent in 1922 and 12 per cent in 1926. Farm taxes, based on property values, are a relatively stable factor, while the farm income varies widely from year to year. While for the crop-year 1919–20 farm owner-operators paid total taxes amounting to $388,000,000 leaving a net cash income of $5,147,000,000 the total of such taxes paid in the crop year 1927–28 had risen to $654,000,000, but the total net cash income was only $3,168,000,000. In the crop-year 1921–22 the total of taxes paid by farm owner-operators amounting to $582,000,000, was equivalent to practically half of the net cash income of $1,168,000,000.

Interest payments on farm indebtedness have decreased by only about 5 per cent from 1919–20 to 1927–28 and in the latter year totaled $750,000,000 as against $787,000,000 in 1919–20. The total amount paid out for rent showed an appreciable decrease, from $1,712,000,000 to $1,043,000,000, but farm land values likewise have decreased by about one-seventh. Wages paid to hired farm labor have decreased somewhat, the total being $1,231,000,000 in 1927–28 as against $1,492,000,000 in 1919–20, but show an increase since the crop year 1925–26, although the gross agricultural income and the net cash income in that year were greater than in 1927–28.

Comparison also is made by the conference board between the wages paid hired labor on the farm and the wage earnings of urban labor. While farm wages at the beginning of 1928 were 68 per cent higher than in 1914, the hourly earnings of urban workers, that is in the manufacturing industries, at the beginning of 1928 were 134 per cent higher than in July, 1914; the cost of living for both, however, at the beginning of 1928 shows approximately the same increase over the pre-war years, 58 per cent on the farm as against 63 per cent for the urban worker, indicating that the economic position of the urban wage earners has improved relatively much more than that of the farm worker.

Mr. Speaker, I submit the following figures, facts, and tables relative to imports, exports, and domestic production of our important cereals:

Imports, exports, and production of corn

	Imports	Exports	Domestic production
	Bushels	*Bushels*	*Bushels*
1921	45,000	128,975,000	3,000,000,000
1922	113,000	164,000,000	2,900,000,000
1923	203,000	42,000,000	3,000,000,000
1924	3,906,000	18,000,000	2,300,000,000
1925	1,123,000	113,000,000	2,900,000,000
1926	1,056,000	23,000,000	2,700,000,000
1927	4,917,000	13,000,000	2,800,000,000
1928	565,000	17,000,000	2,800,000,000
Total	11,928,000	418,975,000	22,400,000,000

Excess of exports over imports, 407,047,000 bushels.
Average annual imports, 1923–1928, inclusive, 1,961,666 bushels.
Average annual exports, 1923–1928, inclusive, 21,000,000 bushels.
Argentine export duty 3 cents a bushel. Average ad valorem rate 14 to 19 per cent.

There has been a steady increase in consumption of corn in Europe recently, and like increase in price, since 1925. Corn prices in October, 1925, 34s. 2d.; in October, 1928, 39s. 3d. United States produces two-thirds of world production. Argentina near one-ninth of United States. Three hundred and twenty-five to three hundred and seventy-five million bushels corn in international trade. United States exports less than 1 per cent. Argentina doubled exports to Europe in last five years, and so added revenues to English cargoes loaded both ways. Argentina only country that raises and exports largely.

The following is the price received by American producers, with the same Argentine comparisons:

	United States	Argentina
1920	62.1	64
1921	54.3	72
1922	76.7	76
1923	84.0	78
1924	105.8	93
1925	70.4	71
1926	73.7	65
1927	[1] 75.1	[1] 83

[1] December.

Imports, exports, and production of buckwheat, 1921–1928, inclusive, in dollars:

Imports	$1,452,000
Exports	1,988,000
Production	100,000,000

Excess of exports over imports, $536,000.

Eight-year average, imports, $181,500; exports, $248,500; production, $12,500,000.

Farm prices, United States and Canada, 6-year average, 1922–1927, United States, 90 cents; Canada, 86⅓ cents.

Same as to barley, 1921–1928, inclusive

Imports	$29,000,000
Exports	170,000,000
Production	1,011,000,000

Excess exports over imports, $141,000,000.

Eight-year average, imports, $3,625,000; exports, $21,250,000; production, $126,375,000.

Barley malt, exports, about $28,000,000; imports insignificant, except when short crop or poor quality.

OATS, ROLLED OATS, AND OATMEAL, 1921–1928

Production, $4,249,000,000; imports, oats, $6,000,000; exports, $81,000,000; imports oatmeal, etc., $408,000; exports, $17,000,000; total imports, $6,408,000; total exports, $98,000,000.

Excess exports over imports, $91,592,000.

Rice, 1921–1928

Production—pounds	7,400,000,000
Imports, cleaned and uncleaned	$14,783,000
Exports	$76,000,000

Excess of exports over imports, $61,217,000.

Average annual imports, $1,847,875.

Average annual exports, $9,500,000.

For 1927, imports, about 40,000,000 pounds, or $1,500,000; exports, about 309,000,000 pounds, or $11,800,000.

Annual value, 1925, $104,000,000. Domestic production greater than domestic consumption and increasing with declining imports.

Rye, 1921–1928, inclusive

Production	$400,000,000
Imports, rye	825,000
Exports	216,000,000
Imports rye flour	$3,000
Exports rye flour	3,193,000
Total imports	828,000
Total exports	264,193,000

Excess exports over imports, $263,365,000.

Average annual exports, $33,024,125.

Average annual imports, $103,500.

Wheat, 1922–1928, inclusive

Imports	$34,000,000
Exports	1,243,000,000
Excess exports	1,209,000,000

The above are wheat imports except in bond for grinding and export. While 35,712,000 bushels of wheat at $75,000,000, or $2.10 per bushel was imported in 1920, we exported 218,287,000 bushels for $596,975,000, or nearly $2.75 per bushel. While prior to May 27, 1921, we imported 18,132,000 bushels for $29,774,000, or $1.64 per bushel, we exported for the year 1921, 280,000,000 bushels for $433,000,000, or about $1.60 per bushel, as compared with exports for 1928 of 96,000,000 bushels of wheat for $119,000,000 at the rise of $1.20 per bushel. On a corresponding basis we exported 11,848,000 bushels of flour in 1928 for $73,875,000.

The United States is an exporting country of soft winter and durum wheats. The only competition is in hard-spring wheat from Canada against a similar variety in the Dakotas, Minnesota, and Montana.

The imports of wheat flour, 1922–1928, are around $6,000,000, while the exports are nearly $575,000,000.

Mr. Speaker, the New York Tribune of May 30, 1929, referring to the subnormal prices of wheat, corn, oats, and cotton alone, says "the aggregate of the deficiency in returns to the farmer for his wheat, corn, cotton, and oats is estimated at not far short of a billion dollars." Unless Republican tariff preachments to the growers of these and other staple farm products, including tobacco, hay, rye, and so forth, during the past 65 years is and from the beginning has been a colossal hoax, this billion-dollar loss of farm purchasing power could not have occurred. And yet, in the face of all this disastrous experience, western farmers still insist on a close alliance with the principal manufacturing tariff beneficiaries, who are able to derive 100 per cent benefits from their tariff rates ranging generally from 40 to 100 per cent and as high as 1,000 per cent.

The existing prohibitive tariffs injure the American farmer first, by increasing his production costs; second, his living costs; third, his transportation costs; fourth, by decreasing his foreign markets and exports; and fifth, by decreasing his property values due to surplus congestion. The two chief impediments to export trade are high production costs and foreign tariffs against our exports.

One monumental myth constantly peddled about by politicians, demagogues, and other sinister influences is the theory of equalizing tariff benefits or, for example, placing agriculture on an economic equality with industry. This is based, first, upon the monstrous fallacy that all citizens are adequately benefited by high tariffs. One with the lowest mentality must at once realize that if tariffs are to protect any class of citizens they must discriminate against other classes, otherwise who would pay the higher prices when the tariff raises them? Clearly, it is the citizens of this country, since tariffs, of course, can not raise prices abroad.

If all persons who must pay higher tariff prices for what they buy were able to get proportionately higher prices for what they sell, nobody would be hurt by tariffs. But the tariff can not raise all prices in equal proportions; many prices it can not raise at all. These include all classes of production of which we have a substantial surplus to be exported, and in these are agricultural products raised on near 90 per cent of our total acreage of 360,000,000 planted to crops. It is, therefore, utterly flabbergasting to observe western farmers still giving their approval and support to this sort of economic quackery propagated for two generations by high tariff manufacturers. President Hoover, even, stated in his acceptance speech that "an adequate tariff is the foundation of farm relief." If this idea is remotely sound, Republican administrations have been guilty of the greatest crime of the century by denying adequate tariffs to agriculture since early in 1921. There is now at least tacit confession by all candid persons that only the minor specialties of agriculture can secure any material tariff benefits. These comprise not much over a few hundred thousand persons of the total 6,500,000 farmers. For example, about 144,000 grow beet and cane sugar, more or less aided by Mexican and other imported labor. Under the present sugar rate of 1.76 cents a pound, the American people are paying a subsidy of about $130,000,000. Under the proposed tariff increase this subsidy will approach $180,000,000. Most of it, however, goes to the grower in the Philippines, Hawaii, Porto Rico, and our island possessions. This sugar tariff proposal is abominable from any decent viewpoint. Scarcely more than 50,000 persons get most of the raw wool tariff benefits, but it is not possible here to enumerate these remaining agricultural specialties.

There is much talk about agricultural imports of $1,800,000,000, as though all were competitive and as though we could produce this amount at home.

I here call attention to imports of several products comprising this $1,800,000,000 of imports, which products we either do not produce at all or produce in insufficient quantities with little or no prospect in many instances—as in the case of sugar and wool—of producing all we consume:

Silk, bananas, certain oils, certain oil seeds and spices, tea, tobacco, vegetable fibers not cotton, coffee, certain nuts, drugs, herbs, leaves, roots, bristles, and so forth—these we do not produce.

On the other hand we do not produce enough wool, sausage casings, hides, long-staple cotton, sugar, and so forth—we do not produce these in sufficient quantities and must import.

These imports of products that we do not produce in sufficient quantities or at all, aggregate between $1,500,000,000 and $1,650,000,000 of the total imports of over $1,800,000,000. Our agricultural exports, on the other hand, are around $1,800,000,000.

Will American agriculture, in the light of all economic facts, whose tariff benefits under the embargo policy for manufacturing are hopelessly disproportionate to the benefits of the latter, fall in behind the high-tariff leadership of the chief manufacturing tariff beneficiaries and slide downward to a condition of peasantry?

Mr. Speaker, since near 90 per cent of the mineral industry, and more than 80 per cent of agriculture derive no tariff benefits, it is important to note that more than one-half of American manufacturing is in a like category. I here present certain facts and figures illustrative of this point:

Manufacturing production

Gross value, 1927	$62,721,000,000
Value without duplication	40,500,000,000
Wage earners	8,353,325

Between thirty and forty billion dollars of the above total gross value are products deriving no appreciable or no tariff benefits at all, save as to the following, according to 1925 census:

	Value	Wage earners
Refined petroleum products	$2,276,656,000	65,324
Motor vehicles, bodies and parts	1,523,279,000	228,382
Motor vehicles, cycles, etc	3,222,379,000	201,921
Slaughtering and meat packing	3,050,000,000	120,422
Lumber and timber products	1,421,161,000	473,998
Planing-mill products	710,861,000	111,329
Bread and bakers' products	1,268,194,000	160,411
Boots and shoes, excluding rubber	977,446,000	215,597
Flour-mill products	1,148,760,000	31,988
Gas	455,460,000	46,988
Rubber tires	925,000,000	81,640
Newspaper and periodical printing and publishing	1,447,661,000	117,000
Book and job printing and publishing	1,470,000,000	255,751
Patent medicines and compounds	247,564,000	14,802
Coke	378,663,000	23,191
Fertilizers	206,772,000	19,644
Food preparations	649,236,000	28,797
Paper and wood pulp	971,882,000	123,842
Coffee roasting, etc	380,157,000	
Canning and preserving	616,070,000	85,866
Car and general construction and repairs, electric	83,812,000	32,521
Cement	300,895,000	38,437
Cash registers	98,383,000	13,296
Electric and railroad cars, not built in repair shops	390,771,000	50,393
Steam railroad cars and general construction and repairs	1,248,866,000	425,234
Ice	186,960,000	24,915
Ice cream	286,175,000	23,043
Locomotives	65,389,000	12,809
Farm equipment	459,574,000	
Engines and water wheels	313,587,000	51,099
Sewing machines, etc	46,298,000	12,121
Sausage and sausage casings, exclusive of slaughter-houses	82,436,000	4,914
Turpentine and rosin	42,364,000	29,413
Soap	278,273,000	15,406
Copper, smelted and refined	665,176,000	15,588
Signs and advertising novelties	89,669,000	15,128
Safes and vaults	23,043,000	3,865
Phonographs	67,057,000	11,267
Fountain pens	24,035,000	3,490
Oil cake and oil-cake meal	436,197,000	18,907
Oleomargarine and other butter substitutes, exclusive of packing establishments	39,856,000	1,639
Leather	462,013,000	53,043
Grease and tallow, not elsewhere enumerated	51,442,000	5,303
Druggists' preparations	95,419,000	9,685
Concrete products	75,213,000	14,722
Beverages	237,760,000	27,384
Belting leather	31,810,000	2,644
Agricultural implements	169,467,000	28,696

The foregoing omits a large number of substantial articles on the free list and omits a large number of articles carrying tariffs but no tariff benefits, such as adding and calculating machines, and others.

Mr. Speaker, just now frenzied appeals are being made to the South to embrace the antiquated system of superprotection. Only a few days ago an outstanding southern trade paper contained page headlines setting forth the alleged fact that the chemical industries of the South had an output of $1,600,000,000 in 1925. The inference was that with this vast quantity of chemical production the South should promptly embrace high tariffs. And yet of this amount of production, petroleum refining comprised $874,610,000; cottonseed crushing, $265,277,000; fertilizer, $142,630,000; druggists' preparations and patent medicines, $81,454,000; gas and coke, $92,000,000. In other words, $1,450,000,000 of the so-called chemical industrial products of the South were wholly unrelated to and remote from the slightest tariff shelter or tariff benefits, but on the contrary subject to heavy tariff penalties. This is the sort of slush that is being poured out on the South to induce it to embrace superprotection.

Mr. Speaker, if time and space at all permitted, it would be both tempting and illuminating to point out and analyze some of the startling increases of rates in the pending bill, such as those relating to window glass, watches, handkerchiefs, numerous chemicals, and others. It would also be highly interesting to detail some of the lopsided findings of the Tariff Commission with respect to a number of commodities such as corn, logs, and others. Some of the officials betray either a conscious or an unconscious high tariff bias utterly inconsistent with the true functions of an impartial fact finding commission.

Mr. Speaker, shall we enact modernized tariff and trade policies? Shall economic justice be given to agriculture and the great consuming public, or shall a few highly favored groups continue to rule and plunder American agriculture and the unorganized masses?

I can not better close these remarks than by quoting from the tariff plank of a former national Democratic platform, on which we carried the country. The economic philosophy and the spirit of that platform are strikingly applicable to our present embargo tariff structure, as follows:

We denounce the present tariff, levied upon nearly 4,000 articles, as a masterpiece of injustice, inequality, and false pretense. * * * It has impoverished many industries to subsidize a few. * * * It has cut down the sales of American manufactures at home and abroad and depleted the returns of American agriculture—an industry followed by half our people. It costs the people five times more than it produces to the Treasury.

Mr. ESLICK. Mr. Speaker and Members of the House, under the general leave extended, I desire to review H. R. 2667, commonly known as the Hawley tariff bill.

Last fall we were told that a special session of Congress would be called to pass legislation for the benefit of the farmer. A part of this relief was to come in the "revision and adjustment" of the tariff. Congress met April 15 in extra session. The President recommended "effective tariff upon agricultural products." As a party measure the House passed the administration bill last Tuesday. It passed by a vote of 264 for and 147 against it—244 Republicans and 20 Democrats voted for it; 135 Democrats and 12 Republicans voted against it.

After the bill was reported out more than 90 amendments were added to it. Only amendments coming from the Republican side of that committee were considered by the House. The tariff measure as it goes to the Senate is a monstrosity. It will increase the cost of living from $600,000,000 to $750,000,000; and of this amount out of each $10 dollars the farmer will get about 50 cents and a promise and industrial interests will get the balance. For every dollar this measure increases the farmer's income it will take from him ten to twenty times that amount. He must bear the burden. The necessities of the farmer come in for great increases in rates. Building material, lumber, shingles, brick, and cement are taken from the free list and put on the dutiable list with a substantial tariff. Logs, if they go into lumber, are taxed $1 per thousand feet, but if to be converted into pulp and paper for the newspapers they are free. Leather and leather goods and shoes are taxed. They were formerly free. Hides are taxed 10 per cent ad valorem; the hide of a 1,000-pound steer will increase in value 75 cents, but the product of that hide in shoes or leather will jump from $9 to $12 in value. In America Challenged, a new book on the farm situation, the author states 40 per cent of our farmers are "1-horse farmers." They do not sell cowhides but they buy shoes and wear clothes. They need help. This bill helps by taxing them.

The absolute necessities of the farmers have come in for additional raises from small to large window glass, building material, furniture, glassware, earthenware, table and kitchen ware, woolen, cotton, and rayon cloth and clothing; material entering into farm implements—and they did not forget the Secretary of the Treasury, Mr. Mellon, on aluminum.

This bill increases the tariff on sugar 0.64 cent per pound, or nearly $102,000,000 a year. The American sugar consumers will pay $385,000,000 a year in tariff on sugar—and to help the farmer? Not much! America only produces 15 per cent of the sugar we use. American-produced sugar is mostly beet sugar. One company refines 48 per cent of this sugar. Did this company—Great Western Sugar Co.—need protection? The record will tell. Its actual cash investment was $15,000,000. It has paid in dividends in the past 24 years $84,372,410; its stock is now worth $72,000,000, or a total of $156,372,410 on a $15,000,000 investment, or an average earning of $43.43 on each $100 during the entire 24 years.

Wheat, tobacco, corn, and rice are protected, but it is not effective because we are heavy exporters. So are Irish potatoes, and last year we did not dig our potatoes; they would not bring the tariff schedule; we import but a small quantity. Cotton is on the free list, yet on a percentage basis we import three times as much cotton as steel. A tariff would have helped long-staple cotton. Advocates of this bill said we must protect labor. The tenant farmer, who grows cotton, earns for himself and his children 34 cents each a day for their labor, while the average wage of the industrial worker is $4.95 a day.

But rates cease to interest when we know that if this bill becomes a law the duties and functions of Congress are delegated to the President. Upon report of the Tariff Commission he can raise or lower the tariff rates 50 per cent. At will he can put on an embargo against the exporter, or he can destroy every business enterprise in America. Likewise, this bill provides a reclassification of schedules which at will gives the power to make and unmake tariff rates, a power unlimited in its use for evil and destruction vested in one man.

The "outside" world owes our Government and people nearly $30,000,000,000. This must be paid in money or trade. They have not the money, and if we put on an embargo excluding the goods of their factories they can never pay us. Cancella-

tion of our foreign debts will be the next demand of the great international bankers. If the Government debt of more than $10,000,000,000 is canceled, the bankers' loans will be strengthened. Personally I am against the cancellation of a dollar of our debts.

There is another great danger. The alarm has been sounded, "A tariff war looms. The world is against us." Other nations of the earth are unwilling for us to take all and give nothing in return. They will retaliate. Who is protesting and will retaliate? The papers report Secretary of State Stimson as having protests filed with him by Great Britain, France, Spain, Canada, Argentina, Cuba, Costa Rica, Honduras, Salvador, and all Mediterranean countries. These are our best customers. The statement concludes:

The list of countries is increasing almost daily.

The President's special session so far is a boomerang. The overwhelming Republican House got from under his lasso on the tariff, and the largely Republican Senate "bucked" on farm relief and added the debenture feature so distasteful to the President. Conferees of the Senate and House are locked on farm relief, and I predict when the Senate gets through with this House tariff bill its "papas" will not know the color of the child's eyes or hair. Let us hope so.

I voted against the tariff bill, but for the administration farm bill. It was all we were offered. It was not what I wanted. The majority leaders have denied the House the right to vote on the debenture schedule. This should bring some measure of relief. The proposed farm bill is an experiment; it is a jesture. Its success depends largely upon the farm board. My belief is, that the tariff bill now on its way to the Senate will take much more from the farmer than the farm measure can give him.

Certain farm products can not be "effectively" protected. Farm prices can not be controlled by the tariff rates. As an evidence, there is now a tariff duty of 50 cents a hundred pounds on Irish potatoes—last year at digging time potatoes brought only 30 cents a bushel, or one-half cent a pound. Wheat now has a tariff of 42 cents a bushel, oats 15 cents, corn 15 cents, rye 15 cents a bushel. And yet with these grain crops protected, from May, 1928, to May, 1929, these crops have fallen in price; wheat, from $1.44¼ to 96¼ cents the bushel; corn, from $1.01 to 81 cents; oats, from 62½ to 41¾ cents; rye, from $1.31¾ to 81 cents a bushel. Wheat is at the lowest price since 1914, while in Canada wheat is bringing 10½ cents a bushel more than in Chicago, the greatest American grain market. What does this mean? That tariff benefits producers only where production can be controlled, and as against imports brought to us in competition with our own production.

What difference does it make if you put a tariff of $1 a bushel on wheat, corn, rye, and oats, and how does it help the farmer if it is not "effective"? And just so long as we have these large exportable surpluses the tariff can never become effective and help the American farmer.

There are some things produced by the farmer a tariff will benefit; but to give him a small increase in tariff on these and, by way of compensation to the manufacturer, advance prices materially on the things the farmer buys is not helping the farmer but hurting him. And that is exactly what this new tariff bill does. The farmers were entitled to the benefits of a tariff on such things as would help them by way of equalizing and adjusting the tariff. But this has been denied him. Instead of helping the man who feeds and clothes the people of our country, the Republican Congress has "adjusted" him out of the "tariff picture."

The President, as a superman, came to the Executive chair with a confidence imposed in him that few predecessors have enjoyed. He was going to settle great questions, and among them, the farm problems. The people believed this. He came, but he has not conquered, because he has had no concrete plan. His gesture to lead has failed. In the beginning of his administration, when a new broom should sweep clean, his party has failed to follow. So far as settling the great farm problem, with relief to the producer, these questions are just where the President found them. If failure to give the farmer relief continues, this failure must be charged to the dominant party. The President and his party must bear the full responsibility if they fail to make good the pledge made to the American farmer.

AMERICAN ART COLORS

Mr. COOPER of Ohio. Mr. Speaker, and ladies and gentlemen of the House, referring to the tariff bill now under discussion I desire to confine my remarks to Schedule 1, paragraph 67, which comes under the technical heading and index of "Artists' colors."

This technical classification is misleading, as it includes five groups or different kinds of merchandise:

First. Real artists' colors, generally sold, "not assembled," by the tube, jar, pan, or cake.

Second. Tempra or show-card colors, generally sold, "not assembled," by the tube or jar.

Third. Inexpensive color sets, made up in imitation of real artists' colors, and sold in "assembled" color boxes or outfits.

Fourth. Academic or student colors, such as generally used in the schools, "assembled" in boxes or color outfits.

Fifth. Toy colors, "assembled" outfits, designed for the amusement of children.

It will be seen "real artists' colors" constitute only a part of the large volume of business included under this technical heading. This "technical classification" has been definitely established by an extensive background of Treasury decisions over a long period of years.

HISTORY

In making a careful survey and study of the history of this paragraph I find some of the earlier tariff laws carried two separate classifications, namely: "Artists' colors" and "toy colors." This has proven impractical as shown by the court and Treasury decisions which have now classified all of these colors and all intermediate grades as "artists' colors." In other words, Congress passed the laws and the courts interpreted them in such a way that the will of Congress was not properly carried out. It has seemed impossible to write a simple, practical, or workable definition, defining these different grades of colors.

RATES

Paragraph 67, Schedule 1, of the tariff act of 1922, reads as follows:

Paints, colors, and pigments commonly known as artists' paints or colors, whether in tubes, cakes, jars, pans, or other forms, and not assembled in paint sets, kits, or color outfits, 40 per cent ad valorem; paints, colors, and pigments in tubes, cakes, jars, pans, or other forms, when assembled in paint sets, kits, or color outfits, with or without brushes, water pans, outline drawings, stencils, or other articles, 70 per cent ad valorem.

In keeping with the Treasury decisions which have repeatedly classified all colors as "artists' colors" and attempting to conform with the publicly expressed desire of the administration for very limited tariff revision, making only those changes that are absolutely necessary to meet existing conditions, the American manufacturers ask that this paragraph be rewritten to read as follows:

Paints, colors, and pigments, commonly known as artists' paints, colors, or pigments, whether in tubes, jars, cakes, pans, or other forms, and whether packed separately or assembled in paint sets, kits, or color outfits, with or without brushes, water pans, outline drawings, pictures, stencils, or other articles, shall be dutiable as follows: 5 cents per tube or jar; 3 cents per cake, pan or other forms; and in addition to the foregoing rates 40 per cent ad valorem. Any of the foregoing paints, colors, or pigments, if imported in bulk, or any form exceeding 1½ pounds net weight, $1.60 per pound and 40 per cent ad valorem.

The director of the chemical, oil, and paint schedule of the Tariff Commission states this is the most complex and perplexing paragraph in this schedule.

Recognizing the difficulties involved, it has pleased the Committee on Ways and Means to revise the entire paragraph, introducing a new method of differentiating between these various groups of this "technical classification" on the basis of value.

Paragraph 67, Schedule 1, in H. R. 2667, reads as follows:

(1) Not assembled in paint sets, kits, or color outfits, in tubes, jars, cakes, pans, or other forms not exceeding 1½ pounds net weight, valued at less than 20 cents per dozen pieces, 40 per cent ad valorem.

(2) Not assembled in paint sets, kits, or color outfits, valued at 20 cents or more per dozen pieces, in tubes or jars, 2 cents each and 40 per cent ad valorem; in cakes, pans, or other forms not exceeding 1½ pounds net weight, 1¼ cents each and 40 per cent ad valorem.

(3) In bulk or any form exceeding 1½ pounds net weight, 40 per cent ad valorem.

(4) In tubes, cakes, jars, pans, or other forms when assembled in paint sets, kits, or color outfits, with or without brushes, or other articles, 70 per cent ad valorem.

The idea of putting brackets in this paragraph seemed a happy solution of this problem, and it would have been if adequate protection had been provided for the various brackets. This they failed to do.

The American manufacturers in their brief, published in the hearings on this bill, clearly stated and substantiated by figures on importations obtained from the Department of Commerce

that their greatest difficulty in meeting foreign competition was due to importations in bulk of the cheaper grades of colors, which are those included in bracket 1 of this bill, and the assembling in this country, thus avoiding a very substantial part of the duty on "assembled" color outfits and the resulting loss of revenue.

The importation in bulk and the assembling of color outfits in this country was clearly an evasion of the will of Congress as expressed in the tariff act of 1922.

Sir, I contend that the provision of bracket 1 in this paragraph of the House bill invites and legalizes a practice which was considered an evasion under the tariff act of 1922.

JUSTIFICATION RECOGNIZED BY CONGRESS

The tariff act of 1922 and, indeed, the House bill of 1929, recognizes the fact that colors generally sold to the consumer "assembled" in color outfits or boxes need higher protection. In order to give an adequate protection to this part of our industry they provided a 70 per cent rate "when assembled in paint sets, kits, or color outfits"; at the same time including a rate of only 40 per cent on "tubes, cakes, jars, pans, or other forms" of colors if they were "not assembled" in paint sets, kits, or color outfits. What has happened? The answer is obvious. The importers and foreign manufacturers have shipped and will continue to ship all kinds and classes of these so-called "artists' colors" into this country in bulk and have assembled and will continue to assemble their paint sets, kits, and color outfits over here, importing the colors unassembled at a duty of 40 per cent, importing the brushes at a duty of 45 per cent, and importing the metal boxes at a duty of 40 per cent; and in this way have defeated and will continue to defeat the intent and purpose of the tariff act of 1922, and also the House bill of 1929, of prescribing a higher duty for assembled sets, which was to cover the cheaper grades of so-called "artists' colors," namely, school and toy colors. Bracket 4 of this paragraph recognizes the necessity for higher duty on "assembled" boxes, while bracket 1 suggests a legal way of avoiding this duty by importing the parts, such as colors, boxes, brushes, and so forth, separately.

Our American manufacturers, and there are at least fifty in the field, asked that the 70 per cent ad valorem rates on assembled outfits be discontinued and a small specific duty be added to the 40 per cent ad valorem on all "artists' colors" whether the merchandise is assembled or unassembled. The object was to avoid placing a high ad valorem duty, such as 70 per cent, which now applies to all toys, on the "Real artists' colors," when not assembled, many of which in the higher priced series cost a dollar or two dollars per tube. There are a few of these "real artists' colors" sold at prices ranging as high as $10 per small single tube. This small specific duty would have been insignificant on the high-priced "real artists' colors" and at the same time would have been sufficient to protect our industry in this country on all other grades of colors that come in under this classification.

From the foregoing facts it will be seen that an ad valorem duty sufficiently high to protect all other classes of colors, other than the "real artists' colors" would be placing an unfair burden on the users of high-grade artists' materials, therefore, this compromise was recommended by our domestic manufacturers as the best method of assessing this duty that has been suggested.

IMPORTATION

Statistics received from the Department of Commerce show that 92.6 per cent of the total importations for the past five years were unassembled. Imports have increased 61 per cent during this period in monetary value and 92 per cent in weight. This large increase in importation indicates to a degree the extent to which our domestic manufacturers are suffering from this foreign competition and the seriousness of the situation.

This may be partly due to unfair valuations reported for importation purposes.

It is a serious situation for our domestic producers.

OPERATING AT A LOSS

The volume of business indicated by the figures above quoted and which were secured from the Department of Commerce show only a small portion of the actual damage to the American manufacturers due to the fact that our factories here in the United States have been meeting a lot of this foreign competition and have been taking business at a loss rather than abandon the field hoping and expecting that this condition would be changed as soon as the tariff was revised. This loss was due to the fact that they were forced to meet prices quoted by foreign manufacturers or abandon the field.

EMPLOYEES AFFECTED

There are something over 2,000 wage earners that are now dependent for their livelihood on this industry directly in the preparation and manufacture of "artists' colors," including the tubes, pans, jars, and boxes which are used in their packing. We should consider also the thousands of American laborers who are engaged in the production of raw colors consumed by this industry such as dye and chemical manufacturers, dry color, pulp color, lake colors, pigment manufacturers and those engaged in the color-grinding industry to say nothing of all the other materials used.

ASSEMBLING

During the oral testimony before the Committee on Ways and Means a representative of one of the manufacturers was asked if he was sure the practice of assembling these paint sets was going on in this country and if he had any proof to offer in support of this statement. I quote from the exact words of one of the importers, taken from their brief, in referring to the 70 per cent duty on assembled paint sets:

> This high duty in the Fordney-McCumber Act was principally aimed at those sets used in the schools, etc., * * * the larger jobbers and ourselves who assemble their sets.

And so forth.

Thus the importers frankly admit this assembling in this country and we have definite evidence, which the importers acknowledge, that it was the intent of Congress to place a higher rate of duty on all colors other than "real artists' colors" and that in the practical administration and application of the law it has failed to accomplish this purpose.

Congress could find no other way at that time of differentiating between "real artists' colors" and the four other classes of colors herein referred to under this classification. "Real artists' colors" have always been sold in separate tubes, pans, and cakes, while the other classes were primarily sold in assembled sets; this applies to toys, academic or student colors, and sets made up as "imitation of real artists' colors." Thus the importers admit the proper interpretation of the law and apparently boast that they successfully schemed to defeat the purpose and intent of Congress. Is this not one of the best arguments that could be offered for the necessity of our changing this paragraph as recommended by the American manufacturers?

ANTICIPATION

Anticipating the possible reaction of some foreign manufacturers and some importers to a specific duty, it is conceivable that they may try to import the finished or prepared artists' colors in semimoist, or puttylike form, in bulk and repacking it in pans or tubes over here. To protect against this eventuality, the last sentence was added to this paragraph, which reads as follows:

> If imported in bulk or any form exceeding 1½ pounds net weight, $1.60 per pound and 40 per cent ad valorem.

LIMITED REVISION

Gentlemen, I ask you, if we are to confine ourselves to only a very limited revision of the tariff on a few outstanding cases where it is apparent an injustice is being done to any of our industries, does not this case merit our serious attention and our immediate action?

OUR PREPAREDNESS PROGRAM

When we entered the World War our sense of national pride and security was greatly shocked by our unpreparedness and the great lack of a mobile chemical industry that could be quickly turned from the making of dyes and chemicals to the necessary high explosives for the great emergency. Some of the dyes are high explosives in themselves and are also used for medicinal purposes. For example, picric acid, a coal-tar derivative, is a yellow dye which is used in the manufacture of some of the "artists' colors"; a solution of picric acid is used as an antiseptic and as a local anesthetic for bathing open wounds and for healing burns. Indeed, this same picric acid was one of the most important high explosives used in the World War. This so-called artist-color industry is one of the big consumers of the peace-time products of our dye and chemical industry. Adequate protection to guarantee the absolute security of this industry should constitute a very definite part of our national-preparedness program to defend our citizens and protect our honor and great wealth.

If we neglect our duty and our responsibility of protecting the consumers of our dye and chemical industry, we will soon discover the rapid disintegration of this important key industry. It has been frequently stated that in the next war chemical warfare will be of stupendous importance. I ask you if we can afford to take any chances of pursuing any policy other than will absolutely guarantee the protection, development, and extension of our chemical industry.

Prior to 1914 certain grades of color used in our schools were imported exclusively. No American manufacturer attempted

to produce them. In 1914 the source of supply was entirely cut off and American manufacturers were obliged to install equipment and produce those colors in order that the work in our schools might be carried on. Is it wise to scrap that equipment and place ourselves in a similar position, should another crisis arise?

QUALITY

The importers use the worn and threadbare argument that their products are superior to those that are made in this country or that can be made here. At least three American firms have been making "real artists' colors" for over 50 years. Great advances have been made in the science of making, grinding, and preparing "real artists' colors" since 1914, or in the last 15 years. When the World War shut off the European supply of colors it gave our home industry for the first time a chance to grow and develop, with the result that there is now no fined quality of "real artists' colors" made any place in the world than those made by American firms. I make this statement without peradventure of refutation and can adduce testimony from artists of renown to this effect and can give laboratory and scientific data substantiating this claim. These American-made colors are now being used by some of our most eminent artists in executing their most important commissions.

Many of the professional artists have lived abroad and while there have studied with and used foreign colors. In a way this may be regarded as the formative part of their color education and a personal prejudice in favor of the particular foreign colors they have been using is the result. In this way they have innocently permitted themselves to become foreign minded on this subject.

It is unthinkable that good colors can only be made in France, England, Belgium, Germany, or Czechoslovakia, which are the leading countries selling "artists' colors" in the United States Good colors undoubtedly are made in all these countries but they are no better than the best grade now being made in our own country.

It is interesting to note that within the past few months two of the leading domestic and two of the leading foreign makes of colors were tested in one of our largest cities by a blind test; that is to say, all identifying marks were removed so that the artists making the tests did not know whose colors they were testing and rendered their verdict purely on the basis of quality with the following results:

One foreign make of color received 6 points credit, the second foreign make of color received 14 points credit; one American make of color received 16 points credit, and the second American make of color received 24 points credit. Thus, on the basis of 60 points, total credit allowed, it will be seen that the American colors received 40 points credit, or 100 per cent more than the foreign colors. Still the importers boast about superiority of their student colors in their briefs.

PIRATE OR FRAUD COMPETITION

The American manufacturers designed and built a special box to meet the educational requirements of the practical progressive art taught in our schools. Not only was this box created and developed in this country by American manufacturers but also the market for it. The special shape, style, and design of the box itself, as well as the trays and pans that fit into it, were designed in an American factory to meet the needs of our particular educational program. The foreign manufacturers imitated or copied this box in design as well as the shape and style of the pans and of the colors placed therein and immediately tried to pirate this market by underselling the American makers.

The Hon. WILLIS C. HAWLEY, chairman of the Committee on Ways and Means, recently stated in a speech before the Home Market Club in Boston:

> A number of witnesses presented articles—I remember a Yale lock was among the number, which had been taken abroad and there an almost exact duplicate of the lock was made, and upon inquiry the witnesses stated that the interior mechanism of the lock was exactly the same in both, that is, the American manufacturers have devised certain articles of use greatly in demand and of great necessity; they have expended a great deal of energy and money in bringing their product in perfection. They have advertised it throughout the country at a very large cost, and now the foreigner proposes to take advantage of the ingenuity and of the work and expense devoted to these articles by the American producer and all his expense of advertising, and is coming in to sell his articles on the basis of what he has done. "Here is an article just as good as the Yale lock," he says. It hasn't cost anything to advertise that. They spent no money on that. They did not devise the guards and falls of the lock. They have simply copied it, and now take advantage of the immense amount of work and money that the American producer has devoted to this work to sell their goods upon his reputation. I do not frequently—as I think the gentlemen who have been at the hearings will agree—lose my temper, but this is such a patent fraud on the American producer that I think it deserves severe condemnation.

The American manufacturers of student colors in this country have been up against the same thing and are now experiencing this same type of "fraud" from foreign competition.

FOREIGN EMBARGOES

It has just been brought to my attention through letters which I have seen and which were recently received from our foreign consuls and commercial attachés by the Department of Commerce that the leading European countries effectively embargo and prohibit the importation of goods of foreign manufacture for use in their schools or any public institutions where the spending of their taxpayers' money is involved, if there is any material of domestic manufacture available. This information was not available in time to present to the Committee on Ways and Means during its deliberations on this subject. This is accomplished in numerous ways, sometimes by royal decree, such as in Italy; sometimes by preferential tariff, such as in the British colonies; sometimes by governmental or local rulings, such as in Norway; sometimes by a tactical understanding that is just as effective, such as in Germany; and sometimes by other means that are equally effective.

For example, the American manufacturers supplied practically all the colors used in the various Provinces of Canada before the war. After the war the different Provinces received instructions that they must give goods of Canadian manufacture preference and if the merchandise was not made in Canada they must give British-made goods preference. There were no colors made in Canada, and this was further enforced by writing into their course of study in their schools in the different Provinces the stipulation of British-made colors. For example, the specification for the city of Toronto reads as follows:

> In all cases preference will be given to goods made in Canada or the British Empire.

This method of procedure proved 100 per cent effective, as the schools are dependent in a large part for their financial support upon funds they receive from the Province and if they do not follow the course of instruction specified by the provincial superintendent of public instruction, their source of revenue may be shut off immediately. Thus, the American manufacturers were helpless and within a few months' time lost their Canadian business, which represented an investment of many years' labor and a large expenditure of money. The American manufacturers are virtually embargoed against doing any business in this line in Canada. A heavy preferential tariff is maintained in favor of Great Britain by all of her colonies. For example, American-made school colors pay 50 per cent higher duty in Canada and British Guiana than British-made school colors.

With lower material costs and cheaper labor abroad and with these various types of effective embargoes, how can we compete in these foreign markets? We are shut out. Will we permit this foreign industry, which is protected by embargoes at home, to be in a position to dump its surplus production over here?

Our American market is very susceptible to the temptation of a lower price which throws it open to easy capture for alien interests.

If the American manufacturers are shut out abroad and can not compete at home, what is to become of them?

ADEQUATE PROTECTION MORE THAN JUSTIFIED

Mr. Speaker, I believe that a condition of this kind has never been brought to the attention of Congress before and that this line is not only entitled to ordinary protection, such as we have provided for other industries, but is really entitled to protection, which will guarantee to American labor and American industry at least an equal chance in our home market. Should we not grant them at least the same protection that foreign governments are granting the same industry in their countries? It is high time somebody in this country advertised the fact that "the importation of merchandise is a special privilege and not a right."

THEORY

One importer states in his brief that no theory of tariff or of taxation will justify any addition to the cost of the necessities of education. One of the prominent Democratic members of the Committee on Ways and Means has asked the question, "If the principle of protective tariff is economically sound, why should it not apply to all industries?" This question is still unanswered except in the affirmative.

The requirements for our schools and colleges should either carry the same protection that is provided for any of our other manufacturers or they should be on the free list.

When the tariff act of 1922 was written there was a great cry set up by the public schools, colleges, and universities request-

ing that laboratory supplies and scientific instruments be left on the free list. They used the same old tattered arguments that foreign manufacturers and importers have long used—that American-made laboratory supplies and instruments were inferior, would cost so much more, and thus hinder the development and progress of education and unnecessarily burden the American youth with expense and the taxpayer with increased taxes. For example, in the case of laboratory supplies it was shown that they could buy test tubes at about two-thirds of a cent apiece ($1 per gross) abroad, while American-made test tubes cost a trifle over 1 cent each ($1.50 per gross). The American educators said it was unfair to the American youth to inflict this high cost on his education.

It developed in the testimony that when the American youth signed up for chemistry he paid in advance an arbitrary sum—let us say $5—to cover the supplies he used, but if he broke a test tube it had to be replaced, and it was charged to him in many instances at as high as 10 cents apiece. Where did the American youth profit? Hundreds of letters were received by Congress from schools, colleges, and educators asking that laboratory supplies and equipment be placed on the free list. Congress was not deceived by this propaganda, and they acted wisely by protecting the American manufacturers of these articles with a fair rate of duty.

Please permit me to ask, Where do the funds come from for the educator's salaries and the support of the schools? The obvious answer is the funds come from the State. Where does the State get its funds? Again the answer is obvious—it comes from the taxpayers. And where do the taxpayers get their money? Are they not either directly or indirectly wholly dependent upon our American industries and commerce? If we set the example of buying foreign merchandise for our public institutions, using for that purpose money derived from taxation, are we consistent in our avowed program for protection of American labor and industry? We might save money on the purchase price of this foreign merchandise, but even so it would be false economy and a very short-sighted policy. Soon we would be closing up our own factories and mills, American labor would be idle and without funds to support itself, its families, or to pay taxes to support our public institutions. We must protect all our home industries; any other theory will demand a complete reversal of our protective-tariff policy and substitute free trade.

It is impractical to enter into a detailed discussion of the theory of tariff but I think this importer's query is fully answered in a little leaflet that recently came to my attention entitled "Let Us Not Spend Our Money Against Ourselves," which I will read and which I believe fully proves the fallacy of his statement.

LET US NOT SPEND OUR MONEY AGAINST OURSELVES

To buy an article produced in America, in preference to an article produced abroad, is sound business judgment as well as humanitarian and patriotic.

It is sound business judgment because it keeps the money as well as the commodity in the United States. It keeps the dollar in the American savings bank, in the American pay envelope; it helps to build our business blocks, our streets, roads, homes, and factories; it supports our schools, local, State, and National Government, swells our pay rolls, prospers our farms.

It helps to support you.

It is humanitarian because it represents a choice in patronage between an American employer whose workmen are sufficiently well paid to enable them and their families to enjoy not only the necessities but the comforts, luxuries, and opportunities of life and the alien employer whose workmen are paid such wages and toil under such conditions that they and their dependents live on a scale far below the American standard. No believer in social justice seeks a cheapness attained through the sacrifice of human value.

It is patriotism because the dollars spent here by those who have earned them here build up the country which protects and prospers us, while every dollar we spend abroad for an article which can be produced to advantage in the United States is a dollar taken out of the pockets of the American laborer and producer, upon whom we must depend to support our country in time of peace and defend it in case of war.

Of necessity we must buy abroad. Our requirements in materials we can not profitably produce in the United States are vast. The greater our domestic production the greater the necessity for such foreign purchases which do not impair American enterprise and employment. Buying at home what we can produce at home does not mean commercial isolation. It does not mean absence of foreign trade. But every dollar spent abroad which is needed at home to keep the farms, factories, and mines of America profitably active is a blow struck at the prosperity of every American, including that of the man who spends it.

We have in America the highest standard of wages and living in the world. It is so far above that of competitive European and Asiatic countries that it can not be maintained if exposed to the unequal competition of foreign living standards. We expect of the American producer that he shall pay the high American wage scale; we prevent him by law from importing labor under contract; through our immigration laws we prevent the free flow of cheaper labor to the United States; we prohibit child labor; we limit the hours of female labor; we enforce sanitary and safety regulations. Is it fair; is it patriotic; is it wise; having demanded and required all this of the American producer, in the name of justice and humanity, to deny that justice and humanity by patronizing the foreign employer free from such restriction, because with cheaper workmen he can produce cheaper goods?

Is there an individual American; is there an American municipality; is there an American corporation; is there an American school, local, State, or National Government bureau, incapable of comprehending these plain propositions, based upon self-interest, humanity, and anxiety for the common welfare of Americans? Will they make foreign purchases at a time when imports or competitive articles have reached such a point that many industries will soon be forced to slow down under that pressure? What will happen to the boasted prosperity of the United States when there has been a further 10 per cent displacement through such growing importations of American productive output and employment?

What will happen when the endless chain of American prosperity, which passes from producer to consumer and consumer to producer is broken, and unemployed wage earners face not only the loss of their jobs but their obligations under our unprecedented condition of personal credit through installment purchases of homes, radios, electric washing machines, electric vacuum cleaners, motor cars, iceless refrigerators, and the like? These things are considered necessities of our American labor, and thus fit into the picture of our American life and standard of living. These things in themselves greatly contribute to our American prosperity, while they are unknown luxuries and almost unheard of in the homes of the poorly paid wage earners of Europe, even with their extensive use of child labor and home work.

Mr. Speaker, I know that it is the protective policy of the United States that enables us to maintain a much higher standard of living for American labor than is enjoyed elsewhere in the world, that our tariff policy of protection to labor and industry is the backbone of our national prosperity. In the face of these facts, how could any really patriotic American subscribe to a policy of equipping or supplying any of our public schools or public-supported institutions with foreign-made merchandise?

FOREIGN INFLUENCE

I ask, Is it desirable to introduce or permit foreign influences in our public schools? Is not such a policy un-American? Do we want to educate the coming generation to believe that any of the products used in the schools should be made abroad? The influences during the formative period of a child's life make a lasting impression upon him. It is like a boy scratching his initials in soft cement—the impression soon becomes permanent. If this suggestion was carried to its logical conclusion, papers of all kinds from Scandinavia would supplant American-made papers used in our public schools due to the fact that were it not for the duty they could be imported at a much lower price; laboratory supplies and scientific instruments would be imported, pencils from Germany and Czechoslovakia would supplant American-made pencils for the same reason, and if we went on through the list of products purchased and used by schools, we would doubtless import all of the furniture, equipment, and supplies from abroad. Do we want to foreignize our schools or any other public institutions in the United States? I do not believe we can afford to do it.

Wherever the taxpayers' money is involved, I believe it is essential that the products for which it is spent should be, so far as possible, produced by American labor. I believe we should keep this money at home and continuously working around its endless cycle in the support of labor, industry, and our governmental institutions.

TOY COLORS

Not an importer nor foreign manufacturer referred in his brief to the big market for imitation sets of "real artists' colors" or to the toy color sets for which there is likewise a large market. At the tariff hearings on the toy paragraph in this bill figures were submitted in the sundries schedule indicating the toy business in this country last year was $57,000,000. Paint sets, kits, and color outfits of all kinds are one of the major toy items. Their importance is immediately recognized by anyone visiting the toy departments during the buying season in any of our large stores. They will find from one to three large tables devoted exclusively to this type of merchandise and one or more clerks at each table selling this line.

ALLIED PRODUCTS

In the sale of toy color sets there is a large group of allied products that are assembled in these outfits. By allied products I refer to such items as outline drawings, color guides, pictures, stencils, cut-outs, scissors, needles, thread, embroidery, floss, yarn knitters, thimbles, all kinds of sewing equipment, graphite and colored pencils; wax, pressed and pastel crayons; erasers, pens, rulers, water pans, porcelain mixing pans, easels, lettering pens, modeling clay, wood and metal spatulas, modeling forms, smocks, tams, and similar merchandise, all of which are assembled and sold in various kinds of toy and imitation artist sets by our domestic manufacturers.

We have created a market for the painting sets and through them are now finding an outlet for a variety of allied products that are sold in the same packages. Protection of the American color industry will insure the continuance and further development of an already established market for these American-made allied products.

ADVANCEMENT OF ART

What have the importers or foreign manufacturers done or contributed to the teaching and the advancement of art in this country? Absolutely nothing.

What have the American manufacturers done or contributed to the teaching and the advancement of art in this country? They have, and now are making a great contribution. Lay teachers and art teachers are provided with all kinds of helps and suggestions for their courses of study in the teaching of art. A clearing house is provided through which all of the new progressive ideas are broadcast to all of the profession throughout the country. One American manufacturer publishes a monthly magazine, beautifully illustrated in color, known as Everyday Art, which is devoted exclusively to the teaching and the advancement of art education and art appreciation and is distributed free to all teachers of art in the country. At least three of the American manufacturers maintain free art-service bureaus. These are serving in a most valuable way the smaller communities and rural schools, where they can not afford a supervisor of art, by answering questions and suggesting art helps for their courses of study that conform to the principles of art education as laid down by the National Education Association. Is it not for the best interests of everyone who has the advancement of art in America at heart to support loyally an industry which has demonstrated its ability and willingness not only to provide necessary materials but also contribute very largely to the actual solution of the educational problems involved?

MARKET FOR AMERICAN PAINTINGS

Who is supporting the American artist? Where is the market for the handicraft of this guild? Is it not a fact that the American public buys the vast majority of American paintings produced in the United States by American artists? To go a step farther, is it not the American policy of the protective tariff, that is wholly responsible for our American prosperity and has created a market as well as the wealth in the hands of the public to buy these works of art? Is it not to the best interest of this guild, and the best interest of our great Nation, to preserve and develop an industry already in existence for over one-half century?

Sir, I ask you, Should we not as loyal Americans take great pride in an industry producing "artists' colors" second to none in the world, so that our artists and our citizens can point with pride to works of art that are 100 per cent American?

THE TARIFF IS INSIGNIFICANT

Even at the highest prices paid for the most expensive colors obtainable there is probably not more than $5 worth of oil color on a canvas 24 inches by 30 inches for which the professional portrait artist receives from $250 to $20,000 and the landscape artist probably receives from $200 to $10,000 for his painting on which a similar value of color is used. On water-color paintings of the same size and which sell for from $100 to $500 there is probably not over $1 in value represented in the color. Thus, if the professional artist used all of the most expensive colors the slight increase in duty would be insignificant and would amount to a very small sum per painting for which he received from $100 as a minimum up to $20,000 or more.

DOMESTIC MONOPOLY

Mr. Speaker, two importers state in their briefs that if the tariff is raised a domestic monopoly will develop. This is the time-worn "war cry" or "false alarm" used by many of the importers in all lines. There must be at least 50 American manufacturers, it is true many of them are small, but they need this protection as much or even more than do some of the larger manufacturers.

There are too many factories competing in this country and competition is too keen for the importers' theoretical hypothesis ever to become a reality.

Experience is our best teacher. Please permit me to quote from the testimony of Robert C. Armstrong, Lewisburg, Tenn., under paragraph 1451 in the Sundry Schedule, which has a direct bearing and gives a definite answer from actual experience in an allied industry. Mr. Armstrong says in part:

When this matter was discussed before this committee in making the last tariff in 1922, the same people that will take opposite sides to-day appeared before this committee, and the leading opponent made an unqualified statement before this committee that if the tariff was raised from the Underwood tariff of 36 per cent straight ad valorem duty, it would do what? That it would absolutely make a monopoly of the lead-pencil business over here. Not only that, that they, as importers, could not get any pencils over here if they raised the rates, and I have the testimony of that gentleman in my pocket to that effect. Notwithstanding that statement, what do we find on the records that will be presented? That since the passage of this act, where they said the tariff was so high that it would create a monopoly over here, in the year 1927 and the year 1928 we had the highest importation of pencils that we have almost ever had in this country, and the year before the war there were $512,000 of pencils being imported. Of course, when the war came on none were imported.

The opposition makes another point, and it is the strongest one they have ever produced. They say that there is a pencil industry over here controlled by what they call the "big four," which is not true. If that were true I would not be here representing the little pencil companies down in my country, and they even went so far before this committee in the Senate as to make the statement that if the tariff we are under now was enacted, that the lead-pencil industry would raise the price of pencils, and cited the question of the school child, saying that the pencil sold to the school child would be raised. * * * It can be said to the credit of the pencil industry that the price of the 1-cent pencils has never been changed; the price of the 5-cent pencils has never been changed—

And so forth.

This we know to be a fact. It is certainly fair to assume, and I have every reason to believe that the same conditions will apply in the artist-color industry, if the changes requested by this industry are granted.

SUMMARY

I will summarize my reasons for advocating a change in the tariff on "artists' colors" as follows:

First. The technical classification of "artists' colors" covers five different groups or classes of merchandise that must be considered in fixing a rate for this classification.

Second. The history of this classification as proven by the Treasury decisions shows it is impossible or impracticable to try to determine by definition a fixed and separate rate for these different groups.

Third. Congress recognized in the tariff act of 1922 that all colors other than real "artists' colors," coming in under this classification, should carry a much higher rate.

Fourth. Importations have nearly doubled in the past five years and are now much greater than they have ever been, and the importation in pounds shows an increase of 50 per cent more than the monetary value.

Fifth. Manufacturers have been operating at a loss in this line.

Sixth. The assembling of color sets in this country using foreign colors has completely defeated the intent of the tariff act of 1922.

Seventh. If there is to be any revision of the tariff, this industry merits immediate action and such changes in the phraseology and the rates as will provide real protection.

Eighth. Regardless of any other issue and as part of our national preparedness program we must see that this industry is carefully safeguarded in order to assist in keeping our dye and chemical industry properly organized and supported in times of peace so as to be ready for any emergency.

Ninth. We are now producing colors second to none in the world. It is time we recognize this fact.

Tenth. "Pirate" or "fraud" foreign competition now exists in this market, in this industry.

Eleventh. With foreign cost of labor, material, and production so far below our own, this industry must rely upon our home markets for its existence.

Twelfth. The embargoes granted by the principal European countries to their home industries in this line indicates the necessity of amply protecting our own interest through the tariff, our only means of defense.

Thirteenth. Where the taxpayers' money is involved we should regulate commerce so it is spent, if possible, for products of American labor.

Fourteenth. Can we afford to foreignize our schools or other public institutions?

Fifteenth. In protecting the toy colors we likewise protect the sale of substantial volume of merchandise of allied products that are packed and sold with these color sets and dependent upon them for their sale.

Sixteenth. Our home industry is making valuable contribution for the advancement of art in this country—it should be encouraged and developed.

Seventeenth. The House bill utterly fails to provide necessary protection.

CONCLUSION

Mr. Speaker, I suppose it is futile for me to offer an amendment to this bill but I want to take this opportunity to present these facts to the Members of the House and to the country at large for I feel the rates provided are insufficient and furthermore there are just grounds for providing a duty that will absolutely guarantee an equal chance in our home market to this industry. I again repeat, should we not grant to our manufacturers at least the same protection that is now being given foreign manufacturers, in this line, by their respective governments?

Mr. HARE. Mr. Speaker, since it was my misfortune on account of illness in my family not to be present and engage in the discussion of the tariff bill while it was being considered under the rules of general debate, I think it is proper that I should make some observations and comment relative to some provisions of the bill before its final passage.

I desire to say at the outset that the bill as it now stands is a decided disappointment in that it does not reflect the impression made by President Hoover when he called an extra session of Congress for the purpose of enacting legislation for the benefit of agriculture, for, if I recall correctly, he stated specifically that there would be but little revision of existing tariff schedules and gave the public to understand that such revisions or adjustments would apply principally to farm products. However, after making a careful study of the bill, it is found that while some advances or increase in the duty on some farm crops have been made, the real increase applies to the duty on manufactured products; that is, it appears from a comparison of the existing tariff law with the proposed one, the average increase in the tariff on farm crops or farm products is approximately 4 per cent, whereas the increase in the tariff on manufactured products averages a little more than 5 per cent. This is the status as the bill was introduced, but after the 80 or more committee amendments are offered and adopted I am sure the schedules for manufactured products will have a still greater advantage. But the bill as it now stands, as I have already stated, provides for an increase in the duties on farm products on an average of 4 per cent and on manufactured products 5 per cent. In other words, it increases the tariff on manufactured products 25 per cent more than it does on farm crops. It seems, therefore, the effect will be that every time a farmer receives $1 more for what he sells by reason of the tariff he will be charged $1.25 more for what he buys, and as a consequence will be the loser of 25 cents on every such transaction. Nevertheless, leaders in the administration and proponents of the bill insist that it is a farm-relief measure.

If this were the first time such representations were made, it would be reasonable and natural to give them the reasonable and natural weight they would ordinarily be entitled to, but it is my impression the last tariff act, passed in 1922, was enacted upon similar representations, and as a basis for this impression I quote from Mr. Fordney, author of the bill, when he said on this floor while the bill was under consideration:

> My friends, as far as rates are concerned, this is purely an agricultural bill, covering the articles described in this bill.

When the same bill was under consideration we find Representative Young saying:

> Our friends across the main aisle [referring to the Democratic side] have never seemed to quite make up their minds whether a tariff on wheat will raise the price and make living dearer or would have absolutely no effect at all. In every debate we have ever had on this subject we have always had representatives of both views on that side of the aisle. Those of us who come from the West would rather be considered selfish than foolish. We entertain the view that a tariff on wheat will be of distinct value to the wheat raisers of the country. If we did not believe it, we would not ask for this duty. The consideration of a few outstanding facts in respect to wheat, it seems to me, will completely dissipate the idea that a duty on that commodity is of no value.

These were both very emphatic statements showing what the tariff bill under consideration at that time would do for agriculture, particularly wheat, but in less than two years later we find Representatives coming from the same wheat section of the country declaring that the tariff, in so far as it affected agriculture, was of little or no value and that it was not effective as to wheat, saying that the condition of agriculture was going from bad to worse all the time, and these same men were demanding the passage of a bill that would "make the tariff effective."

In the light of such evidence we are forced to conclude that the framers of the last tariff act were mistaken in their contentions in that it would operate in the interest of agriculture. On the contrary, the evidence shows that it operated against agriculture, for I well remember the illustration given three years ago by the gentleman from Iowa [Mr. HAUGEN] in discussing the bill proposed at that time for farm relief. He pointed out that a few years previous corn was selling for 50 cents per bushel and a wagon could be bought for $50 and a binder for $110, saying that "generally 100 bushels of corn would buy a wagon and 200 bushels would buy a binder." He pointed out further that at that time, three years ago now, corn was still selling for 50 cents per bushel but wagons were selling around $135 and binders around $235, saying, "It now requires around 250 bushels of corn to pay for a wagon and from 400 to 500 bushels to pay for a binder. The same is true in purchasing other implements and clothing and most of the things the farmer has to buy." The point he was making was to the effect that the high protective tariff had increased the price of wagons, binders, and other things the farmer had to buy but had had no effect whatever on the price of corn, although there was at the time a tariff of 15 cents per bushel on corn. I think the facts given in this illustration are true and prove conclusively that a tariff on farm products, particularly where there is an exportable surplus, has not operated as effectively on farm products as on manufactured products, and I am wondering whether or not the same disparity will prevail under the operations of the proposed bill if enacted into law. If so, I am unable to see where there will be any relief whatever to agriculture by the passage of the bill.

It would be almost impossible to call attention to the thousands of items provided for in the 434 pages of the bill, but it may be appropriate to call attention to a few of them, particularly those required in the homes and on the farms of those engaged in agriculture—that class of people who the friends of the bill say it is designed to benefit.

We find that on every pound of common or Rochelle salts, used in practically every home, you are required to pay a tariff of 5 cents. On every 15-cent box of shoe blacking there is a tariff of 5 cents. On every dollar's worth of calomel, every dollar's worth of chalk or crayon used by the child in school, every dollar's worth of flavoring extract, gelatine, varnish, wood screws, and so forth, there is a tariff of 25 cents; 2 cents on every 10-cent bottle of ink; 35 cents on every dollar's worth of castor oil; 75 cents on every dollar's worth of perfume; 40 to 70 cents on every dollar's worth of paint; 30 cents on every dollar's worth of toilet soap; 3 cents per pound on starch; $1.25 per thousand on brick; $1.60 to $14 per ton on cement; 60 cents on every dollar's worth of cups, saucers, plates, and so forth; 65 cents on every dollar's worth of lamp chimneys, fruit jars, tumblers, goblets, and so forth; $1 on a $2 looking-glass; 15 cents tariff on a 25-cent watch crystal; $5 on a $10 tombstone, if marble, and $6 if granite, and on a $100 tombstone you pay $50 tariff.

Under this bill you will pay 20 cents on every dollar's worth of plows (points) you buy; 20 cents on every dollar's worth of nails, except wire nails where the tariff will be 35 cents. On hammers, tongs, crowbars, and so forth, the tariff is 13½ cents per hundred pounds; 60 cents on every dollar's worth of pans, plates, buckets, boilers, and so forth, made out of aluminum, and this happens to be the industry in which, they say, Mr. Mellon, Secretary of the Treasury, is very much interested in, and, in this connection, it may be said that he contributed $25,000 last year to the Republican presidential campaign fund. Of course, it will not take the housewives of the country very long to reimburse Mr. Mellon for this liberal contribution if they are required to pay 60 cents on every dollar's worth of aluminum bought or sold in this country.

A farmer is required to pay $1 tariff on a $5 cross-cut saw, $3.50 on a $10 pair of wagon harness, 50 cents on a $1 pocket knife, 70 cents on a $2 safety razor, $6.70 on a $6 shotgun, $23.50 on a $30 shotgun, and $14 on a $40 saddle.

A common, ordinary pair of pliers valued at 20 cents has a tariff of 32 cents, or 160 per cent more than the invoice price. The tariff on a 50-cent pair of scissors is 42 cents and the duty on a 15-cent pair is 26 cents, or nearly twice as much as the original value. Ordinary table knives, forks, and so forth,

have a tariff of 2 to 16 cents each. A 10-cent gimlet carries a tariff of 5 cents and a 50-cent chisel 25 cents, a similar duty being applied to screw drivers, wrenches, and so forth.

The farmer that buys a one-half inch wrist watch for his little girl when she finishes grammar school will pay $2.50 tariff on it, and he will pay $9.50 tariff on a $10 clock. The tariff on a $1,000 automobile is $250, and $6 on a $20 bicycle.

Take what purports to be a wool blanket valued at $3.75 and weighs 3 pounds you will pay a duty of $2.40, making a total cost of $5.40.

A suit of clothes weighing 2½ pounds and valued at $20 will cost the purchaser $11.25 additional to pay the tariff.

A $2 wool shirt will cost you an additional $1 for tariff.

The tariff on a $3 football is 90 cents and 30 cents on a $1 baseball.

You pay a tariff of 25 cents on a 50-cent toothbrush.

A man will pay a tariff of $1 on a $2 pair of kid gloves.

A woman that buys a $4 hat pays $1 tariff and then if it has a $2 feather or flower on it she will pay $1.20 additional.

Think of a baby doll valued at $1 carrying a tariff of 90 cents!

Let a farmer try to get a $4 rabbit-skin coat, cloak, hat, or bonnet for his boy or girl and he will have to pay a tariff of $2.50, making it cost $6.50. If it happens to be a boy he is buying it for and the boy is picking cotton to pay for the coat, it will take him three days to earn enough money to pay the tariff on it, which is one-half of the working time of a week. If the same boy wants to buy a bicycle, it will take him an entire week, earning $1 per day clear money, to get enough to pay the tariff on it. If he desires to buy a single-barrel breech-loading shotgun, without hammer or lock even, it will take him two and one-half weeks to earn the $15.50 required to pay the tariff. That is, it will take four weeks or one-twelfth of a year at $1 a day above all expenses for this boy to earn enough money to pay the tariff duty alone on these three articles—the coat, bicycle, and shotgun.

I could continue to point out where I think the tariff duties in this bill are excessively high and unwarranted, but I consider it unnecessary at present.

Gentlemen, it is the payment of these excessive tariff duties that reduce the average man's income to such an extent that he is hardly able to make a living. Still some people wonder why times are hard and why farmers have gone broke and lost not only their homes but the earnings of a lifetime in so short a while, because the beginning of their present deplorable condition dates back to seven or eight years ago, or about the time the Fordney-McCumber tariff law went into effect.

In going through this bill I have made a list of a number of articles that the average farmer would likely purchase each year and have computed or estimated the tariff he would be required to pay on each article listed. Therefore, in order that the average farmer may have some idea as to about how much he is paying out annually for himself and family in the way of tariff duties, I am inserting the list below:

Articles and tariff provided

2 boxes shoeblacking, valued at 15 cents each	$0.10
40 cents' worth flavoring extract	.10
Varnish, valued at $3	1.50
2 bottles ink	.04
Paint, imported, at $5	3.50
5,000 brick	6.25
1 ton cement	1.60 to 14.00
Cups, saucers, etc., valued at $3	1.80
Lamp chimneys, fruit jars, tumblers, etc., valued at $6	3.90
A 12-inch-square looking-glass, valued at $2	1.00
Tombstone, valued at $100	50.00
Plows (points), valued at $20	4.00
Nails, valued at $10	3.50
Aluminum plates, pans, boilers, etc., valued at $8	4.80
One cross-cut saw, valued at $5	1.00
One pair wagon harness, valued at $10	3.50
Two horse collars, valued at $5 each (note that bridles, lines, gear, etc., are not included in this list)	3.50
One pocket knife, valued at $1	.50
One safety razor, valued at $2	.70
One shotgun, valued at $30	23.30
One saddle, valued at $20	7.00
Two pair pliers, valued at 20 cents each	.64
One pair scissors, valued at 50 cents (note that kitchen utensils, such as knives, forks, etc., carry a tariff of 2 to 16 cents each; not included in this list)	$0.42
One ½-inch wrist watch	2.50
One $20 bicycle for boy	6.00
Two blankets containing any wool whatever, weighing 3 pounds and valued at $3.75 each	4.80
One suit of clothes weighing 2½ pounds, valued at $20	11.25
Two wool shirts, valued at not more than $2 each	2.00
Two hats for wife, valued at $4 each	2.00
One doll for child, valued at $1	.90
One overcoat trimmed in rabbit skin, value not over $4	2.50
Ten pair of shoes, or two pair for each member of family consisting of not over five, valued $5 per pair	10.00
One shovel, one pitchfork, one garden rake, value $1 each	.90
Three hoes, valued at $1 each	.90
	166.40

Of course, this may not represent exactly what the average farmer will purchase each year, but he will know to what extent it represents his average annual purchases for himself and family and will be able to estimate quite accurately what he is being called upon to pay annually in the way of indirect taxes or tariff duties. Some of the articles listed will not be purchased each year, but it should be remembered that there will be a large number purchased not included in the list. At any rate, I think it is a conservative estimate to say that the average farmer pays on an average for each member of his family in the purchase of a number of articles included among those listed above, together with the number not listed, a tariff on such purchases to the extent of $50 to $200 per annum, which, in a family of five, would run a total from $250 to $1,000 per year taxes in the way of tariff duties alone. I inquire, therefore, in all seriousness whether it is possible for a farmer engaged primarily in growing one or two money crops to ever receive any relief under the existing tariff system. Yet I hear some saying that if you place a tariff of 25 cents per bushel on corn they will support the bill. I can not see where the Corn Belt farmer, we have been hearing so much about for the last five years, will get any relief out of this tariff bill, and I can best illustrate the reason for my conclusion by giving some figures relating to the farmer who grows corn to sell.

According to the last census, 4,936,692 farmers reported as growing corn, 702,856 reported as having sold corn amounting to 461,000,000 bushels, or an average of 656 bushels per farm of those selling corn. If the proposed tariff of 25 cents per bushel is effective, and very few believe it will be, the average farm selling corn would receive an increase in price of $164. But if, in order to receive this increase of $164 in the way of a tariff, this same average farm or farmer is compelled to pay $200, $500, or $1,000 more for the things he is compelled to buy for his family and to carry on his farming operations by reason of the tariff on such things, it looks to me like there would be a loss from $36 to $836 per year, and it would only be a few years until the operation of the tariff law will have made such inroads into the reserve funds of such farmers that their working capital, lands, home, and all will have slipped through their fingers and they will wake up to find themselves a bankrupt, just as thousands of them are to-day, many of whom are unable to explain the reason for it. They have worked hard, made fairly good crops, and in many cases received fairly good prices, but yet it has been a losing proposition. They can not make ends meet, for the reason that the outgo is too big for the income. The farmer is unable to understand or explain the reason for this condition. He knows what it is, but in many cases he does not know why it is.

But, gentlemen, if he will take this tariff bill and study the first 365 pages it will not be long before he will have a good idea as to where the trouble lies; that is, if he will begin on the 1st day of January next and read, study, and digest one page of this bill each day he will be able to reach a very definite conclusion by the 1st of April, when he has read the first 100 pages, or when he has finished reading the metal and steel schedules, and has bought most of his plows, gears, harness, and farm implements for the season; and by fall of the year when he has finished the wool schedule and begun to buy school books, shoes, hats, caps, and children's clothing for the winter and realizes what an enormous tax in the way of a tariff he is paying annually he will know without a doubt why he is worse off at the end of the year than at the beginning. And in conclusion I want to suggest that the committee in charge of this bill should have a sufficient number printed so that every farmer in the United States may be supplied with a copy, for I think this would be one of the quickest and easiest ways to solve the farm problem. Give the farmers of the United States the information contained in this bill and within less than two years you will hear them proclaim with their own lips what they consider to be the equitable and proper solution of the problem. They will outline a plan, and there will be no quibbling as to whether it is "economically sound" or in violation of the "Constitution."

Mr. IGOE. Mr. Speaker, I am fully congnizant of the futility of a member of the Democratic Party rising to voice his opposition to the procedure adopted by the Republican leaders of this House for what they term the orderly consideration of the most important measure presented in this Chamber in a number of years, the tariff bill. Approximately 500,000 American citizens, residents of the sixth congressional district of Illinois, have honored me with this office in the belief I would represent their interests in accordance with the provisions of the Constitution. I hesitate to predict the future of the Republican Party, especially in my congressional district, when I go back and tell my constituents they were deprived of their constitutional rights in the consideration of this particular measure through the autocratic methods adopted by the leaders of that party.

The majority party, contrary to all reason, has approved a rule investing in the Republican membership of the Ways and Means Committee the unequivocal right to offer amendments to the tariff bill, thereby depriving approximately 420 duly authorized spokesmen of the people of the United States of that privilege. The dissension existing among the other Republican Members of the House is sufficient proof that this action was taken contrary to their wishes, for they know when they return to their districts they will be called upon for an explanation as to why the items contained in the tariff bill, affecting their particular section of the country, were not provided for, they must meekly say the powers that be would not permit us to present our contentions in the regular form. There is no better proof of this statement than the fact that when one of the most learned and distinguished Republican Members of the House, Mr. BECK, sought to protect the interests of his own district by standing on the floor of this Chamber and severely criticizing the administration for its attitude toward the bill, he not only incurred the ill will of his own colleagues but he has been practically ostracized from the party.

It has been charged by the Republican Party that when the Underwood tariff bill was under consideration the procedure outlined here was followed. Not having been a Member of this distinguished body at that time I am unaware of what transpired but I do know, if such was the case, and the Republican Party has accepted it as a precedent, it has made a grave mistake. Two wrongs will never make a right and the Republican Party will learn the error of its ways in the near future.

I am a believer in a sound protective policy for American manufacturers but I can not conscientiously vote for this bill due to the very limited opportunity that has been afforded the vast majority of the Representatives of the people to present their views. This action on my part is taken in the hope the bill will be defeated and that the rule which has caused such a furor among the Members of this body will be revised so that all duly elected Representatives will be given an opportunity to present amendments to the bill.

BLACKSTRAP MOLASSES

Mr. HUDSON. Mr. Speaker, in the course of the consideration of the pending tariff bill there has been an active discussion of the rate of duty to be levied on blackstrap molasses, "not imported to be commercially used for the extraction of sugar or for human consumption." This discussion has resulted in a series of reports, briefs, and speeches that contain valuable information concerning the origin and nature of this commodity, its uses, and also the place of its derivatives in the economic life of our Nation. To a considerable extent this information has in the past been confined to a narrow group of specialists in their respective fields; it is my purpose to compile it in such a manner as to present a complete picture of this interesting subject, quoting liberally from spokesmen for trade and manufacturing interests, technical men and scientists, and editors of scientific and trade journals, supplementing this summary with certain considerations and deductions that have not heretofore been presented.

WHAT IS BLACKSTRAP?

Blackstrap is a residue in the production of sugar. No further commercial extraction therefrom of sugars is possible, nor can it be prepared for table use. Up to comparatively recent years, it was a waste, the disposal of which presented a serious problem. In accordance, however, with the modern trend of making the fullest possible use of all raw materials, this substance was subjected to careful scrutiny. Two valuable outlets for it were discovered—stock feed and industrial alcohol manufacture.

With the disappearance of the open range it became necessary to develop new rations for livestock. Accordingly, alfalfa, grain hulls, corn, and other dry feed were mixed with molasses; in this form they were eaten greedily by the animals. Such use of molasses by no means offers competition to our farm products; on the contrary, it supplements their use; this sweetening agent makes the dry feeds more palatable, and encourages their consumption. At present, over 100,000,000 gallons are used annually for this purpose.

NATIONAL IMPORTANCE OF INDUSTRIAL ALCOHOL

The law providing for tax-free industrial alcohol was passed in 1906, and was largely instrumental in making possible the marvelous development of our organic chemical industry during the past generation. Industrial alcohol is the leader as to quantity of production and dollar value of all organic chemicals. In the fiscal year of 1917, 1,780,276 wine gallons were produced; by 1928 this figure had grown to 92,418,025 gallons. The most important single use of alcohol is as antifreeze in automobile radiators, over 40,000,000 gallons being used annually for this purpose. The all-important pharmaceutical trade, the cellulose industry, the manufacture of shellac and varnish, of cosmetics and dyes, are dependent on a plentiful supply of this chemical at a reasonable price. There is hardly an article in daily use that does not demand the use of alcohol at some stage of its manufacture. During the Great War, tremendous quantities of alcohol were required in the production of smokeless powder, poison gases, and other war munitions; airplane dope, hospital supplies, and so forth. The production of denatured alcohol was rated as one of the "key" industries of the Nation.

The phenomenal development of industrial alcohol as a factor in our economic life is coincident with and basic to the growth of chemical manufacturing. Chemistry in its turn has made possible mass production of many commodities, which, without this modern magic, would be available only to the favored few. Perhaps the best illustration of this is provided by the motor industry. Twenty-five years ago the automobile was a curiosity. Crowds gathered when one was parked at the curb of a city street. When a car chugged along the road at the breath-taking speed of 12 miles an hour people raged at this foul-smelling, nerve-shattering behemoth that frightened the horses and prompted the most placid cow to lift her tail to the high heaven and lope. When the machine broke down—as it often did—there was heard the derisive call of "Get a horse!"

To-day the horse is the curiosity; the motorist fumes when a team is ahead of him, the traffic cop orders the driver to the side of the road; if one buys a cow the animal is delivered in an automobile. The car, instead of being a rarity, is traveling over roads to the number of almost 25,000,000. Its price is within the range of the most modest purse. This miracle of construction and of operation could not have come to pass without a plentiful supply of cheap alcohol. I cite only two phases of the building of a car as examples.

No factory could turn out thousands of cars a day if it depended on the old method of painting carriage bodies, when a man worked for hours applying a coat of varnish and then allowed days for each coat to dry. Merely the storage facilities for cars in process would cover territory by the square mile, to say nothing of the labor involved. To-day a man with a spray gun applies a coat of lacquer in as many minutes as formerly there were hours, and drying is almost instantaneous. The result is a better finish than we ever knew before at a minimum of cost. Industrial alcohol is the source of one of the principal solvents used in the manufacture of spray lacquer.

The country does not produce leather enough for upholstering the open cars. There has therefore been developed a waterproof fabric scarcely distinguishable from leather. The coating compound—"leather dope"—is cellulose dissolved in a solvent made up very largely of denatured ethyl alcohol. It was because alcohol plays a vital part in speeding up motor-car production that such organizations as the Ford Motor Co., the Packard Co., the Chrysler Co., and the Graham-Paige Co. evinced serious concern when there was this proposal to increase its cost.

Another illustration of the benefit conferred by a plentiful supply of alcohol is to be found in rayon—artificial silk. The manufacture of this article is based on dissolving specially prepared cotton linters, formerly a waste material of our southland. In this process are used annually many millions of gallons of alcohol.

THE CHANGE FROM CORN TO MOLASSES

In the days when the production of alcoholic beverages was within the law, corn was the principal raw material used, and great distilleries were erected in the Corn Belt. It was necessary, however, to keep the price of industrial alcohol down, so a search was instituted for a cheaper material. There was a wide range, since almost every plant that grows is fermentable. Eventually the technicians settled on this great mass of blackstrap molasses that was going to waste. The supply was abundant and recurrent, the material was easily handled, and the price was low. The shift from corn to molasses is shown in the following table:

Corn and molasses used in the manufacture of alcohol

[From Report of Commissioner of Internal Revenue and Commissioner of Prohibition]

Fiscal year	Corn	Blackstrap molasses
	Bushels	*Gallons*
1910	20,547,427	42,293,073
1912	23,016,759	61,605,281
1916	32,069,542	152,142,232
1921	4,810,517	118,363,629
1926	7,948,184	267,404,218
1927	8,383,041	211,518,647
1928	6,189,264	213,629,806

The saving in cost is great. One bushel of corn yields about 2.4 gallons of alcohol; 2.7 gallons of blackstrap molasses yields 1 gallon of alcohol. That is, one bushel of corn is equivalent to nearly 6½ gallons of blackstrap. To quote Doctor Watson of the Tariff Commission:

"The conversion cost of alcohol made from corn is about 3 to 5 cents more per gallon than from molasses. An approximate total conversion cost for molasses to alcohol is 10 cents per gallon of alcohol, and for corn 15 cents per gallon of alcohol. In the case of corn, the by-products constitute an important credit which is discussed later. Production costs for large plants, either corn or molasses (alcohol plants), running at or near capacity, is less than the above figures. The following table shows the cost of producing alcohol from corn and from molasses for large plants at or near capacity operation. These costs would be considerably increased when the operation is at 50 per cent capacity, and furthermore, the costs for small plants would be more than the data shown in the following table. In the manufacture of alcohol from corn, the by-products are of high value, and include distiller's grains, a valuable cattle feed, which has sold in recent years for from $35 to $45 per ton, or on an average of about 2 cents per pound. Each bushel of corn gives about 12½ pounds of distiller's grains. In addition, fusel oil is another by-product of small importance, and in certain cases, corn oil and corn-oil meal. The credit for by-products amounts to about one-fifth of the gross cost and for capacity operation may exceed the conversion cost. It is estimated that if all the alcohol produced in America was made from corn, the production of distiller's grains would amount to from 225,000 to 250,000 tons. It is problematical whether with this increased output the price of distiller's grains would stay at the present levels of about 2 cents per pound. If this price should decline, it would be reflected in an increased cost of production of alcohol from corn.

Cost of ethyl alcohol production per wine gallon

	Corn		Molasses	
	94 cents per bushel	83¾ cents per bushel	9.5 cents per gallon	6.5 cents per gallon
Raw materials:				
Corn	$0.3670	$0.3280		
Molasses			$0.2565	$0.1755
Barley and chemicals	.0501	.0501	.0050	.0050
Total raw materials	.4171	.3781	.2615	.1805
Conversion cost [1]	.1054	.1054	.0700	.0700
	.5225	.4835	.3315	.2505
Credit by-products	.1155	.1155		
Net cost per wine gallon	.4070	.3680	.3315	.2505

[1] Includes total factory expense, insurance, depreciation, and overhead, but does not include selling expense, and cost of denaturization, which amounts to about 2½ cents a gallon for completely denatured formula.

Mention was made of the fact that distillation provides an outlet for "wet" corn. In the past large quantities of such corn were used in the manufacture of beverage alcohol. Could the producer of industrial alcohol depend on this material?

"Wet" corn is the result of unseasonable weather, and therefore not an annually recurrent raw material. No great business acumen is required to realize that factory operations can not be based on an irregular source of supply. Moreover, "wet" corn is no longer the burden that it once was. Leading manufacturers of stock feed declare that they have perfected their drying equipment to such a degree that all such material can be successfully processed, and they are willing to buy all that is offered at only a few cents under the market price of standard grades.

As is the case in all chemical manufacture, the raw material loses its identity; the quality of the finished product depends on the efficiency of the manufacturing process. Alcohol produced from molasses in the modern still can not be distinguished from corn alcohol. It is chemically and otherwise identical. In fact, the distillers of molasses have recently produced "absolute" alcohol—that is, chemically pure, water-free alcohol—on a commercial scale. Only a few years ago this was a laboratory curiosity.

The change in raw materials brought about a shift in the location of the industry, since the bulk of the molasses must be imported from Cuba. (This point will be discussed later.) The new distilleries, built to cope with the rapidly increasing demands, were erected at Atlantic and Gulf ports. The four leading States are Louisiana, Maryland, Pennsylvania, and New Jersey. To take care of the requirements of the far West, a secondary producing area was developed in California.

POTASH AS A MOLASSES BY-PRODUCT

The molasses distillers, themselves users of what was formerly a waste, were confronted with the problem of disposing of large quantities of "slops." Chemical analysis showed that this residue is rich in potash, ammonia, and so forth, which are capable of recovery. There was thus developed an important source of supply of essential fertilizer ingredients.

The University of Maryland Agricultural Experimental Station, College Park, Md., last year completed a 3-year study of this so-called "vegetable potash," derived exclusively as a by-product of molasses distillation. The results were published in Bulletin No. 300, Potash from Industrial Alcohol, October, 1928. The following conclusions were reached:

Data reported in this paper shows the importance of the alcohol industry as an actual and potential producer of potash salts.

Analysis of the product produced by this industry known as "vegetable potash" or "Baltimore potash" shows that it contains available potassium in quantity sufficiently large to warrant its use in commercial fertilizers.

Analysis further shows that when the product is reinforced with nitrogen and phosphorus, making a complete fertilizer, a saline material is produced containing all the essential and critical elements required by plants.

A 3-year study of the influence of this product on yields of tomatoes, white and sweet potatoes, tobacco, and wheat grown on small plots showed it to be very beneficial for crop growth. Better yields were received when this product was used than when other standard carriers of potash were substituted in a fertilizer mixture for tomatoes, white and sweet potatoes, and tobacco. Wheat production, on the other hand, showed no gain when grown on the same soil treated with a fertilizer containing vegetable potash instead of other potash salts.

A 2-year test on field plots confirmed the results obtained by the small-plot studies. Better yields were obtained for tomatoes, white and sweet potatoes, and tobacco from plots receiving an application of a complete fertilizer containing "vegetable potash" than from mixtures where standard carriers of potassium were used.

It will be remembered that an incidental hardship of the World War was the cutting off of potash imports. Up to that time our total requirements came from overseas. Impelled by the shortage of this material—so essential to agriculture—an intensive search for domestic supplies was instituted. Despite this search we have to-day only one important and producing natural source—Searles Lake, in the far West. The labors of the chemist in the laboratory uncovered this further source in the residue of the molasses distillery. One plant alone has produced over 100,000 tons since the war. This material is not obtained from corn distillation.

COMPARATIVE DOMESTIC PRODUCTION AND CONSUMPTION

The alcohol industry in 1928 consumed 213,629,809 gallons of blackstrap molasses. Add to this the 100,000,000 used for stock-feed and we have the enormous consumption of over 300,000,000 gallons. What does our country produce to meet this requirement?

There are two sources of blackstrap—cane and beet sugar. Beet molasses is best adapted to the manufacture of yeast and vinegar and commands a premium for those purposes. It does not come into consideration in the present discussion. In 1928 the production of cane blackstrap was about 7,500,000 gallons. Mr. C. D. Kemper, Franklin, La., representing domestic sugar producers before the Ways and Means Committee, estimated the normal production to be 15,000,000 gallons (hearings, vol. 5, p. 3369). Even accepting his most optimistic estimate, our domestic production could not be more than 5 per cent of the requirements. There can accordingly be no question of protecting a domestic industry in the hope of developing it to meet our requirements. So far as can be foreseen to-day, we must continue to depend upon importations for this essential raw material.

THE PROHIBITION ANGLE

Incidentally this removal of molasses from Cuba has its effect on the enforcement of the prohibition laws, an effect which the Commissioner of Prohibition called to my attention.

If the market for Cuban molasses were destroyed, economic necessity would force Cuba into the distillation of alcohol. Primarily this will be for motor fuel and other industrial purposes, but in that country the manufacture of rum is within the law. To-day the Cuban Government cooperates loyally with us to prevent exportation to the States. If we refuse to continue our policy of absorbing the production of blackstrap, could we in reason expect the Government of that island to continue its hearty cooperation? Would it not be only human for the Cuban officials to content themselves with a strict application of their own laws, leaving us to solve our problems as best we can? In this connection sight must not be lost of the fact that the

internal revenue laws of that country—as of Canada—grant tax exemption to spirituous beverages that are exported.

IMPRACTICABILITY OF A CORN BASIS FOR ALCOHOL

The proposed increase in duty was not, however, designed to develop domestic production of blackstrap molasses. The intention was to increase the cost of this material so as to place it on a parity with corn for this purpose. Let us consider this proposal in the light of the facts as already outlined.

"Parity" calls for complete measures. Compromise will accomplish nothing. A spokesman for the corn group declared that the proposed 2-cent duty would be of no use at all. He asked for an increase to 8 cents. What would this mean in the way of increased cost of alcohol?

It has been stated that 2.7 gallons of molasses are needed to produce one gallon of alcohol. Each cent added to the price of molasses would accordingly increase the raw material cost 2.7 cents; added overhead would bring this figure up to 3 cents, or 24 cents per gallon to compensate for an 8-cent duty. On the 40,000,000 gallons used for antifreeze this would mean $9,600,000 to come out of the pockets of the motorist. On the total consumption of 92,000,000 gallons the increased cost would be over $22,000,000. This, however, does not tell the whole story. The principal plants are located at seaboard. The freight on corn from Iowa to New York is 27.5 cents per bushel, adding 10 cents more per gallon. It would cost vast sums of money to convert the molasses plants into corn plants. The alternative would be to abandon the seaboard plants and rebuild in the interior, at the cost of many tens of millions of dollars. The few plants now located in the interior are small compared with those at seaboard. It is obvious that the whole scheme is impracticable.

The suggestion was further made that, if 8 cents was not enough the duty could be raised to 10 cents, to any figure that might be within reason.

This proposal, if seriously made, is based on the assumption that alcohol production is entirely dependent on a supply of corn and molasses. I took occasion to go into this matter thoroughly. I realized that this matter involves the technique of chemical manufacturing. If it is true that corn is the only alternative to molasses, the question can be answered in terms of farm relief. If, however, there is another alternative, if alcohol can be produced at a competitive price from some other than vegetable substances, the problem is no longer one merely of agriculture and must be considered from a point of view different from that of the competition between corn and molasses.

ALCOHOL FROM SYNTHETIC SOURCES

The brief submitted to the Ways and Means Committee by the National Paint, Oil and Varnish Association had made the positive assertion that ethyl alcohol not only can be produced but actually has been produced on a commercial scale by strictly chemical processes, namely, by synthesis—from materials of non-agricultural origin. Mr. V. M. O'Shaughnessy, president of the Industrial Alcohol Institute, in a letter addressed to Dr. W. N. Watson, of the United States Tariff Commission, had made the same assertion. These statements were made by parties who have a personal interest in the proceedings; nevertheless, the standing of the witnesses is such that their claims can not be ignored. I accordingly turned to disinterested men of unimpeachable standing in the realm of chemistry.

Editors of chemical journals are, of course, well informed concerning developments in their particular field. All of them were much aroused at the proposal to increase the tariff on blackstrap. Without exception they declared that if the measure promised relief to farmers it should be given a sympathetic hearing; but they were also unanimous in their opinion that its proponents ignored perhaps the most important development of the past decade in industrial chemistry and that it was therefore uneconomic and unsound. I quote only a few excerpts to illustrate my point.

From Drugs, Oils, and Paints, April, 1929, under the heading Blackstrap Molasses:

> Now, there are to-day available chemical methods for the synthesis of ethyl alcohol from such materials as coal and air and water. Methyl alcohol is now produced by similar methods, as the wood industries know to their cost. Apparently the only thing that stands in the way of the development of such processes is the low cost of blackstrap molasses.

From Oil, Paint, and Drug Reporter, May 20, 1929, under the title Helping the Farmer Fool Himself:

> At a price acceptable to the farmer, corn has no attraction for the producer of industrial alcohol. To use corn he would be compelled to reequip his plant; in many instances to relocate it. The use of corn involves a more costly operation than that of converting molasses into alcohol. If the cost of molasses goes up (not too far), the sole result will be a higher price for industrial alcohol and for the hundreds of products in whose manufacture alcohol is employed. If the cost of molasses is materially increased, alcohol will be produced by synthesis, for synthetic processes would be less costly than the use of corn. The farmer should know these things; but it is more important that they be known and heeded by those who are looking after his interests in Congress.

Industrial and Engineering Chemistry printed the following under the heading Tempting Fate (March, 1929):

> Industrial alcohol will naturally be made from the cheapest raw material. At present this is blackstrap molasses. If forced by artificially high prices to turn to corn, then to compete with foreign manufacturers not so limited, it seems obvious that the synthesis of ethanol must soon follow the synthesis of methanol. The latter has been accomplished much to the embarrassment of another agricultural industry, inasmuch as hardwood may be considered agricultural in view of being a product of the soil.
>
> There are many who believe that the next important development in fixed nitrogen in America will be the use of coke-oven gas as a source of hydrogen. In the purification of the gas refrigeration is employed, and when that is applied synthesis of ethanol is sure to follow, utilizing the raw materials thus made available. With the present price of some fermentable raw materials for alcohol, synthesis is not attractive but it will become so and will be accomplished on a commercial scale if our legislators insist upon the proposed tariff schedule. The result would be a loss of market not only for those of our agriculturists who grow sugar cane but for those as well who grow corn, but the coal industry would profit. Agriculture would also lose the by-product potash, amounting to 100,000 tons during the war, and now to 15,000 tons annually from a single industrial alcohol plant. To urge a tariff on raw materials in the chemical industry is to tempt fate.

The same periodical in its issue for June, 1929, carried a long editorial entitled "Futility in Tariffs," and containing the following paragraphs on the proposed discrimination between blackstrap molasses for stock feed and the same material for distillation:

> Such a provision could bring good to no one. It would force the feed manufacturers to install a series of bonded tanks and to assist in maintaining a staff of inspectors to prevent the diversion of blackstrap, supposedly imported for stock feed, to the production of industrial alcohol. It would not force the distillers to use corn, but it would considerably advance the cost of alcohol, thereby adding to the difficulty of holding the domestic market for goods requiring alcohol in their manufacture and making their export impossible.
>
> * * * * * * *
>
> Not only is there the constant threat of synthetic ethanol but we predict that any congressional action resulting in an artificial increase in the cost of a basic raw material will so advance the price of many ultimate products as to bring widespread dissatisfaction. Alcohol enters into so many items of merchandise purchased by all individuals and industries that the adverse effect will be universal and much more than offset the supposed gain for a single group.

The last journal quoted, Industrial and Engineering Chemistry, is the official organ of the American Chemical Society, an organization embracing 15,000 members, representing probably every chemical plant and educational institution of importance in the country. Its editor, Dr. Harrison E. Howe, is responsible not only for this journal but also guides the destinies of the other publications sponsored by that great aggregation of manufacturing chemists, university professors, and research men, to wit, Chemical Abstracts and Journal of the American Chemical Society. In addition to his editorial duties Doctor Howe is summoned to discuss his specialty all over the land before scientific societies, colleges, universities, industrial gatherings, and civic organizations. Probably no chemist in the United States is more widely known or more highly respected as an exponent of the doctrine that our every activity is influenced by the developments of modern chemistry. Having full confidence in his learning and integrity as an unbiased expert I asked him for a statement on the achievements of synthetic chemistry. His letter is so convincing and conclusive that it is here printed in full:

INDUSTRIAL AND ENGINEERING CHEMISTRY

WASHINGTON, *May 15, 1929.*

Hon. GRANT M. HUDSON,
House of Representatives, Washington, D. C.

DEAR MR. HUDSON: I have been advised that you would like a word from me on the subject of synthesis with special reference to commercial progress concerning items which may be said to represent the results of the scientist during the last few years.

This has been frequently designated as the synthetic age, for on every hand we find products equivalent to those produced by natural processes, and in many instances both superior and unique as compared with those occurring naturally.

Perhaps the best known are the synthetic dyestuffs which have risen to international importance. This development has not been without its agricultural aspects as affecting those who formerly produced madder and indigo from cultivated plants. We all know of the fixation of nitrogen and its effect upon world relations, the Chilean sodium nitrate industry, and the methods of manufacturing many items of commerce involving nitrogen. Synthetic phenol, or carbolic acid, has been an important factor in our great synthetic resin industry, while methanol produced by the synthesis of carbon monoxide and hydrogen, has been a factor of great disturbance in the wood distillation industry. Acetic acid, once obtained almost wholly from this same industry, is now synthesized from acetylene and made from alcohol. Acetone, another product of wood distillation, is now produced by fermentation and other methods.

Among the fibers we find the several varieties of rayon, first known as artificial or synthetic silk, and the volume of this fiber now produced in the world has meant new competition of severest kind for the long-established fibers. Synthetic wool has found no market in America, but is of some importance in Europe. Camphor is another of the synthetics which has wielded a considerable influence, and two plants stand ready in this country to produce synthetic camphor should prices get out of hand. The synthetic camphor of Europe competes in world markets with the natural camphor of Japan.

The paper industry finds cellophane—the trade name for a viscose product—a competitor of growing strength in the field of wrapping papers, while a variation of the process gives us the synthetic or visking sausage casings, now made at the rate of more than 50 miles a day, and replacing natural casings to that extent, particularly for the manufacture of frankfurters. Insulating and wall boards might be classed as synthetic lumber and have had a substantial fraction of the lumber-substitute market, which has resulted in replacing some 250,000,000,000 board feet of lumber in the past 15 years. Other factors, of course, have been steel, terra cotta, and concrete.

Abroad the synthesis of motor fuels, including the liquefaction of coal, has become commercial and has been able to compete with gasoline produced from petroleum. Ethanol or ethyl alcohol has also been synthesized and I am reliably informed that a permit has been issued to a great American company to manufacture synthetic ethanol in our own country.

The public is not generally aware of the fact that many things can be produced synthetically when it becomes economically attractive to do so. The research workers' task is not only to make a particular thing but to make money at the same time. Anything which tends to maintain a price at such a point that synthesis becomes attractive stimulates the work and serves to commercialize many a process, the technicalities of which are understood and which has lain dormant merely awaiting time when the dollar mark can be safely inserted in the equation and the operation shown to be feasible with an attractive profit.

I trust the above may give you what is of interest. I regret that I have not had time to include statistical information.

Very truly yours,

H. E. HOWE, *Editor.*

Numerous bureaus of the Federal Government have chemical experts in their employ. The Ways and Means Committee, in its deliberation on the tariff bill, made good use of the information supplied by Dr. W. N. Watson, Chief of the Chemical Division of the Tariff Commission. Learning that Doctor Watson had made a special study of industrial alcohol, I procured a statement from him and quote the paragraphs bearing on synthesis:

SYNTHETIC ALCOHOL

At least two domestic chemical firms have already carried the process through the experimental stage. A permit has been granted by the Commissioner of Prohibition to conduct a 1-month (May, 1929) commercial test on synthetic alcohol at the plants of the Carbon & Carbide Chemical Co. at Charleston, W. Va.

Synthetic alcohol can be made from (1) natural gas, (2) calcium carbide, and (3) ethylene from blast furnace gas.

As far back as 1921 one plant in Germany was erected to make synthetic alcohol, with a capacity of one-half million gallons per year, and another plant was erected in Upper Bavaria.

The cost of production of synthetic alcohol in England (Jour. of the Soc. of Chem. Ind., May 15, 1922) was reported in 1922 at about 30 cents per gallon. Domestic costs of synthetic alcohol are not known. Estimates indicate a cost of 35 cents per gallon.

Since ethyl alcohol can be produced in this country only in accordance with a permit granted by the Bureau of Prohibition, I addressed myself to the Commissioner of Prohibition, himself a recognized chemist of ability. The commissioner reports as follows:

The Carbon & Carbide Chemicals Corporation, which is a subsidiary of the Union Carbon Co., of New York, has operated an experimental plant on the synthetic production of ethyl alcohol from ethylene gas at South Charleston, W. Va. They are preparing to enlarge the operation greatly. There is no question about the technical success of the process. This same process was employed in Switzerland during the World War and is based on sound chemical principles. The supply of ethylene gas is only limited by the supply of petroleum, natural gas, and soft coal. The last 10 years has seen a great development in synthetic production of the alcohols and even gasoline by new developments of high-pressure apparatus and bringing about reaction by means of catalysts. None of these processes employ grain or other carbohydrates, and future production will undoubtedly run to the synthetic processes.

Synthesis of ethyl alcohol is no longer a mere possibility; it is an accomplished fact. In the heart of the Corn Belt, at Peoria, Ill., the district represented by Congressman HULL, a large plant is now producing enormous quantities of synthetic alcohol of the type known as methanol or wood alcohol. A slight change in the process will result in ethanol or ethyl alcohol.

Naturally, the question arises, "Why is this synthetic alcohol not on the market to-day?" The answer is simple. It is purely a business proposition—entirely a matter of cost.

The cheapest alcohol at present is that made from blackstrap molasses. Corn alcohol is admittedly more expensive, else why the request for a tremendous duty to put corn on a parity with molasses? Between the two come the synthetic processes. In view of this fact it is obvious that if cheap molasses be barred the country will turn for its alcohol supply, not to the most expensive method but to the intermediate; that is, synthesis. Hopes that industry will depend permanently on corn are bound to be illusory. At best the advantage will be transitory, lasting only until plants can be organized on a synthetic basis. The farmer will soon find that he has been chasing a will-o'-the-wisp. There will be no increased market for corn in the distillation field. On the other hand, the farmer, in common with all citizens, will experience a higher cost of living, due to his having to pay more for all commodities in the manufacture of which alcohol takes a part, in practically everything that he needs.

Representative RAMSEYER, a distinguished member of the Ways and Means Committee, in a speech delivered before the House on May 27, said (CONGRESSIONAL RECORD, p. 2023):

Here is a principle that you can not get away from. Any raw material which you have to import in its entirety or in any considerable quantity, if you put a duty on it it is going to add to the cost of the finished product. You can not get away from that. * * *

In the congressional debates there have been repeated but unsupported allegations that molasses, and with it the entire alcohol industry, is in the hands of a monopoly. Not the slightest scintilla of evidence has been advanced to support the assertion. On the other hand, irrefutable proofs show that there is active competition in the industrial alcohol business and that prices of the various grades required by the arts and industries are reasonable and based on economic conditions.

Is there any prospect that, if the manufacture of alcohol be turned over to the synthetists, working with closely controlled patents, there will be a more open market than there is to-day? Certainly the large buyers of alcohol, such as the members of the National Paint, Oil and Varnish Association; American Drug Manufacturers Association; National Wholesale Druggists' Association; American Manufacturers of Toilet Articles; Flavoring Extract Manufacturers Association; National Retail Druggists Association; and other national trade groups, do not anticipate a betterment of the position of the consumer, or they would not line themselves up so unanimously in opposition to any advance in the present duty on blackstrap molasses, characterizing it as a threat against their welfare.

SUMMARY

First. A higher duty on blackstrap molasses will increase the cost of countless articles of everyday life.

Second. It will work an enormous hardship on existing concerns that have invested great amounts of capital in molasses plants near the seaboard.

Third. Valuable fertilizer by-products of the molasses distilleries will disappear.

Fourth. Under no circumstances would any such increase in tariff provide a permanent outlet for corn.

Fifth. The only benefit that can result from a boost in the duty on molasses will accrue to the great corporations that are now developing synthetic ethyl alcohol processes.

In view of the demonstrable facts, we may well ask, "cui bono"? What is the use?

THE TARIFF BILL AS IT AFFECTS BERKS AND LEHIGH COUNTIES, PA.

Mr. ESTERLY. Mr. Speaker, supplementing my remarks on the floor of the House on Monday, May 27, 1929, concerning the tariff bill, I desire to present the claims for further protection on the products of Berks and Lehigh Counties, Pa., the primary industries being farming and manufacturing. I wish to say

that from the very inception of the Republic the Congress saw fit to protect the virgin industries of this particular section of the country.

The early iron mines and charcoal furnaces are an example of the tariff protection, otherwise ten plate stoves, kitchen utensils, and other iron products would have been imported instead of being made locally and supplying a great number of people with a means of livelihood.

The records of Congress prior to 1800 notes petitions from Pennsylvania furnace men, and even in 1829 the Berks and Schuylkill Journal prints, in detail, a resolution presented to Congress, showing the number of furnaces in blast, the men employed, the horses, cattle, wheat, corn, rye, and oats used in the industry, and the population supported by the iron business.

The benefits to be derived by a protective tariff are well understood by the people of Berks and Lehigh Counties, and is translated into fact by having during the last eight years, sent three Republicans to Congress to look after their interests.

In the tariff bill now being written into law, the various industries and labor, as well as farmers, have had their welfare guarded by the presentation of the facts and figures of this important manufacturing and farming district.

This is the district of the forbears of Daniel Boone and Abraham Lincoln, and its contribution to national development, it will be seen, has not only been in a material way, but in giving men to build up this great Nation. The cross section of the people of Berks and Lehigh Counties is the Pennsylvania German. Their industry and thrift has become nationally known.

During the Revolutionary War, General Washington depended on the Pennsylvania Germans for money and supplies and none were more loyal in making the thirteen Colonies a United States of America.

In 1861 the first defenders to arrive in Washington were the men of the Ringgold Light Artillery, and this love of freedom and protection of American rights were further demonstrated in the Spanish-American and World Wars.

Reading, the county seat of Berks County, with an established population in 1929 of 125,000 with its suburbs, is the third largest manufacturing city in Pennsylvania. Only Philadelphia and Pittsburgh outrank it.

Berks County has also developed a remarkable manufacturing output within the last three decades. The figures read like a magical tale.

The statement that the community of which Reading, Pa., is the trading center is "one of the richest spots on the map of America," is no mere boast, but a fact proven by every industrial and economic survey. In all that counts for prosperity, it ranks ahead of some of the sovereign States of the Union and of a number of the Republics of the Western Continent. The proof of this is open to all who care to examine current statistics of American productive and wealth-producing activities.

HOSIERY, CIGARS, HATS, ETC.

With the approach of the presidential campaign, parades will be in order throughout many sections of Pennsylvania.

A study of the industrial figures in Berks County for 1927 discloses the fact that if all of the male voters in the State should decide to go on parade, Berks County's 1927 production of hats would be large enough to provide a hat for every marcher, and there would still be 90,000 hats to be disposed of in some other way.

If all of the cigars manufactured in the county were to be used as campaign cigars, every male voter in Pennsylvania would be entitled to 57 cigars.

A report made public by the Pennsylvania Department of Internal Affairs shows that in 1927 Berks County produced 103,482,478 cigars. The hat production reached 2,708,540.

Silk hosiery production in the county in 1927 totaled 71,548,908 pairs, or enough to give 8 pairs to every man, woman, and child in Pennsylvania.

Industrial establishments in Berks County in 1927 turned out products with a value of $192,727,500, according to tabulations just completed by the Bureau of Statistics in the Pennsylvania Department of Internal Affairs, and made public by the secretary of internal affairs, James F. Woodward. In making announcement of the totals, Secretary Woodward pointed out that of the total value of industrial production in the county products in Reading alone were worth $102,812,400. Figures on industry in the county and city do not include the railroad shops and other public utilities.

Value of products in Berks County	$197,727,500
Value of products in trading area	250,000,000
Value of products, Reading only	102,812,400
Annual wages of industrial earners	49,971,900
Annual wages of male employees	37,319,600
Annual wages of female workers	12,652,300
Annual salaries of industrial workers	10,662,600
Total industrial pay roll	$60,634,500
Capital invested industries in Berks County	120,533,900
Value of manufactured textile products, city and county, 1927	91,796,700
Per cent of textile products of all manufactured products	47
Silk hosiery products, 1927	$48,869,000
Cotton and wool hosiery products	6,459,100
Metal products	51,434,200
Primary metals	17,687,000
Secondary metals	33,747,200
Food and kindred products	15,720,100
Chemicals and allied products	3,079,500
Clay, glass, and stone products	3,565,200
Leather and rubber goods	2,810,000
Lumber and allied products	2,788,900
Paper and printing products	5,887,900
Mines and quarries	2,148,600
Tobacco and its products	5,784,400
Miscellaneous products	7,712,000
Paints and varnishes	2,472,500
Building brick	1,173,900
Cement	1,671,000
Bread and other bakery products	3,911,100
Confectionery	4,274,310
Grist mill products	1,045,200
Meat packing products	4,325,600
Shoes	2,487,000
Newspaper and periodicals	2,915,200
Braids and narrow fabrics	2,593,900
Finishing textiles	2,577,500
Hats	3,432,100
Shirts	2,119,300
Silks and silk goods	8,995,100
Underwear	7,674,800
Iron and steel bars	2,994,500
Pig iron	4,286,400
Iron pipes and tubings	8,078,500
Steel sheets	1,302,600
Automobile bodies	1,714,900
Automobile parts	2,184,000
Iron castings	3,881,000
Steel castings	2,435,100
Hardware	5,093,600
Machinery	8,757,100
Plumbers' supplies and fittings	1,528,200
Stoves, heaters, and ranges	1,508,500
Crushed stone	1,645,300
Cigars	5,218,800
Burial caskets and undertakers' supplies	3,242,700
Optical goods	1,482,600

Value of Reading products

1927

Value of textile products in city	38,794,800
Value of metal and metal products in city	30,739,400
Value of chemicals in city	2,871,600
Value of glass and stone products in city	433,700
Value of food and kindred products in city	13,541,800
Value of leather and rubber goods in city	1,473,700
Value of lumber and its products in city	1,470,000
Paper and printing	5,552,500
Mines and quarries	201,800
Tobacco and products	4,328,000
Miscellaneous	3,158,100
Silk hosiery	19,227,500
Paints and varnishes	2,470,500
Bread and bakery products	3,294,100
Confectionery	4,255,000
Meat packing	4,303,700
Shoes	1,452,000
Newspapers and periodicals	2,705,900
Men's suits	1,903,700
Cotton goods	1,978,500
Cotton and wool hosiery	4,757,900
Hats	1,497,000
Shirts	1,019,800
Silk and silk goods	2,016,500
Underwear	3,189,700
Iron and steel bars	2,655,200
Pig iron	2,051,300
Pipes and tubing	8,078,800
Iron and steel sheets	1,302,000
Automobiles	2,092,100
Iron castings	1,371,200
Hardware and specialties	4,976,200
Stoves, heaters, and ranges	1,081,400
Cigars	3,792,000
Optical goods	1,482,600

Industrial

Number of industries in Berks County	630
Number of industries in trading area	1,031
Number of industries, Reading only	319
Number of industrial workers	40,793
Number of American industrial wage earners	37,700
Number of American colored wage earners	199
Number of foreign industrial wage earners	2,894
Number of male employees	26,643
Number of female wage earners	14,150
Total number of salaried workers	45,043

Production in 1927 of diversified industries of Berks County

Number of salaried workers	4,250
Total number of industrial workers	45,043
Tons of fertilizer	3,208
Building brick	66,966,477
Barrels of cement	1,026,365
Pounds of confectionery	21,072,146
Bushels of rye	98,089
Gallons of ice cream	401,396
Tons of manufactured ice	89,184
Pairs of shoes	1,788,595
Cigar boxes	4,804,456
Dozen caps	1,528
Dozen pairs of gloves	69,284
Dozen hats	225,795

Dozen pairs cotton and wool hosiery	2,340,890
Dozen pairs silk hosiery	5,962,409
Dozen shirts	227,901
Tons of iron and steel bars	11,790
Tons of pig iron	226,285
Tons of iron and steel plates	11,619
Tons of iron and steel sheets	4,553
Tons of river coal	24,336
Tons of sand and gravel	26,304
Cigars	103,482,478
Dozen brooms	95,651

Production in 1927 of diversified industries of Reading

Pounds of confectionery	20,995,346
Barrels of flour	2,600
Gallons of ice cream	311,396
Tons of manufactured ice	37,484
Pairs of shoes	1,234,025
Cigar boxes	754,436
Dozen caps	1,528
Dozen pairs of gloves	69,284
Dozen hats	136,902
Dozen pairs cotton and wool hosiery	1,745,462
Dozen pairs of silk hosiery	2,707,746
Dozen shirts	103,075
Tons of iron and steel bars	9,078
Tons of pig iron	101,117
Tons of iron and steel sheets	4,553
Cigars	77,499,603
Dozen brooms	10,980

Allentown, the county seat of Lehigh County, has not only shown a wonderful growth in manufacturing but in population as well. It is a city now in the 100,000 class, and its growth seems only to have started. There is no telling what proportions it will assume in the next decade.

PRINCIPAL INDUSTRIES

Allentown is the second city in the land in the production of silk. Other principal products of the city and its environs include cement, automobile trucks, wire, machinery, mining machinery, foodstuffs, shoes, cigars, furniture, lumber products, cigar boxes, fixtures, knit goods, rayon, and metal products, such as boilers and pumps.

VALUE OF PRODUCTS

The annual value of the main industries of the county is approximately $170,000,000, and of the city $113,000,000, as will be seen by the accompanying tables. The figures shown therein do not, however, include a large number of smaller unclassified industries, which figures, if listed, would bring the total value of production to approximately $200,000,000 and $125,000,000, respectively.

Latest available figures on quantity productions in Lehigh County are as follows:

Boots and shoes	pairs	1,346,972
Bricks	units	30,447,312
Brooms	dozen	1,161
Caps	do	1,131
Cement	barrels	10,997,878
Cigars	units	119,971,191
Cigar boxes	do	3,736,672
Confectionery	pounds	121,696
Fertilizer	tons	10,373
Flour	barrels	148,306
Gas (manufactured)	cubic feet	1,140,688,900
Hosiery	dozen	149,062
Ice (manufactured)	tons	62,148
Ice cream	gallons	500,694
Overalls	dozen	5,860
Shirts	do	71,603
Wire rods	tons	73,125

Unit figures on the production of silk are not available, but the value of the 1927 production was $53,629,000, which is very nearly twice as much as that of any other county in the State. The same applies to the metal product industry—machinery, pumps, auto trucks—the value of which was $41,103,300 in 1927.

Official figures show that the value of the average annual production per employee is $6,719.04, while that of the State is $5,957.51. The average annual wage per employee is $1,207.19. That of the Commonwealth is $1,277.75.

Statistics on principal industries

LEHIGH COUNTY

Industry	Number of plants	Total number of employees	Total salary and wages	Capital invested	Value of production
Total chemicals and allied products	15	381	$674,000	$1,290,600	$3,424,200
Total clay, glass, and stone products (cement)	17	2,844	4,706,400	15,363,100	16,886,000
Total food and kindred products	91	1,331	1,979,600	5,896,200	12,416,200
Total leather and rubber goods	27	562	525,400	626,500	1,799,500
Total lumber and its remanufacture	32	1,273	1,743,300	2,732,200	4,523,200
Total paper and printing industries	29	620	996,100	1,277,500	2,673,000

Statistics on principal industries—Continued

Industry	Number of plants	Total number of employees	Total salary and wages	Capital invested	Value of production
Total textiles and textile products (silk)	124	11,846	$13,081,400	$21,466,200	$64,878,500
Total metal and metal products, primary	2	605	819,000	1,222,900	6,173,500
Metal and metal products, secondary	53	6,385	10,352,000	14,310,400	41,103,300
Total mines and quarries	24	644	772,100	1,168,800	1,533,300
Total tobacco and its products	13	2,044	1,681,900	1,551,800	7,179,300
Total miscellaneous products	20	380	534,000	960,800	1,133,600
Grand total	447	28,915	37,865,200	67,867,000	163,723,600

CITY OF ALLENTOWN

Total chemicals and allied products	13	137	$202,100	$695,300	$1,057,100
Total clay glass and stone products	4	178	303,600	393,000	582,300
Food and kindred products	58	1,118	1,702,700	5,004,800	10,689,200
Leather and rubber goods	21	508	480,800	593,500	1,641,900
Lumber and its remanufacture	24	1,056	1,428,800	2,341,800	3,318,500
Paper and printing industries	24	595	969,600	1,236,500	2,605,900
Total textiles and textile products (silk)	85	8,249	9,357,300	16,340,100	47,123,600
Total metals and metal products, primary					2,828,400
Total metals and metal products, secondary	41	4,722	7,668,000	10,409,300	35,247,100
Total mines and quarries	4	91	168,800	126,100	314,900
Total tobacco and its products	11	1,872	1,573,100	1,509,700	6,615,400
Total miscellaneous products	19	370	526,900	934,600	1,011,300
Grand total	304	18,896	24,381,700	39,584,700	113,035,600

NATURAL RESOURCES

Allentown is particularly well located with respect to natural resources. Unlimited supplies of coal are available over several railroads from the heart of the anthracite district only 30 miles away.

CEMENT

In what might be called the immediate vicinity of Allentown, is the center of the Portland cement industry of the entire eastern United States, where thousands of men are employed and where more than one-fifth of the total annual cement output of the United States is produced.

These plants are located within 20 miles of the city, in Lehigh and Northampton Counties. Figures issued by the United States Department of Commerce show that during 1927, 34,451,858 barrels were produced in two counties. Of this amount 33,713,067 barrels with a value of $51,446,275 were shipped to outside points.

The total Portland cement production for the States, according to Government figures was 43,732,278 barrels, which means that the Allentown district produced slightly more than 77 per cent of the State total. The United States produced 173,206,513 barrels of cement in 1927. The estimated capacity of the local district is 47,074,000 barrels, including portions of New Jersey and Maryland.

Cement production

Year	Lehigh Valley district	All other districts
	Barrels	*Barrels*
1918	19,701,820	51,379,843
1919	22,747,956	58,029,979
1920	27,137,594	72,885,651
1921	25,571,726	73,270,323
1922	31,195,617	83,594,367
1923	35,721,751	101,738,487
1924	38,656,739	110,701,370
1925	40,279,457	121,379,444
1926	42,119,000	129,789,000
1927	42,139,000	122,391,000
1928 (9 months)	29,376,000	101,648,000

Increase of Lehigh Valley district, 1927 over 1918, 113.3 per cent.

Increase all other districts, 1927 over 1918, 99.9 per cent.

Founded in this district the cement industry finds its most active center at the place of its birth, which is the headquarters of the two largest cement companies in the world and the home of many other prosperous corporations engaged in the same business.

Unlimited deposits of limestone and cement rock are found in all sections of the district and there is no question at all that Allentown will continue to be known as the center of this great national industry.

SLATE

Within a 25-mile radius of Allentown, in both Lehigh and Northampton Counties, two-fifths of all the roofing slate in the United States has been produced. The total production of what is known as the Lehigh district since 1912 has been approximately 46 per cent of that produced by the Nation in the same period.

According to the Pennsylvania State Department of Waters and Forest Survey of 1927, this same district produces about two-thirds of all the mill stock of the United States.

In electrical slate, a product which has only come into major importance since 1918, the Lehigh district ranks second with the State of Maine.

Other major products are blackboard slate, in which Northampton leads, and school slate, in which Lehigh County dominates.

Of recent years the manufacture of powdered slate and granules has been established and bids fair to be a profitable branch of the industry. Granules are used to give body to road asphalt mixtures and various classes of mechanical ruber goods. Principal uses to which this slate is put, in addition to those already mentioned, are in steps, paving, flooring, tiling, molding, vestibuling, wainscoting, linings, doors and window sills, fireplaces, hearths, mantels, balusters, rails, laundry tubs, sinks, closets, shower baths, meat tanks, water tanks, vats, mangers, billiard tables, vaults, cisterns. In Northampton slate production centers about Bangor, Pen Argyl, Windgap, and Danielsville; in Lehigh, Slatington is the heart of the slate industry. Figures issued by the Bureau of Mines of the Department of Commerce covering slate production in 1926 are as follows:

Lehigh and Northampton Counties

(A portion of Lancaster County is included in this figure, but the amounts are negligible)

Product	Amount	Value
	Square feet	
Roofing slate	263,668	$2,127,782
Structural and sanitary slate	2,848,000	997,108
Electrical slate	488,127	327,447
Blackboards	3,998,653	1,356,300
School slate	973,767	32,886
Granules and other slate		571,654
Total		4,971,530
Total for the United States		12,352,767

ZINC

At Palmerton, slightly more than 25 miles away, is found a gigantic zinc industry, materials for which are found in the immediate vicinity. Two of the most important zinc mines are located at Franklin and Sterling Hill, while a large limestone quarry at Allentown and a plant for the manufacture of zinc oxide play an important part in the industry.

Principal products of the plants are zinc slab or spelter zinc oxide, lithophone, spiegeleisen, zinc dust, rolled zinc. No recent figures on this industry are available at this writing. However, no figures are necessary to substantiate the statement that the industry is one of the largest of its kind in the country.

STEEL

Only 5 miles to the east at Bethlehem is located the great Bethlehem Steel Co. plant, which assures an abundant supply of this essential metal in many types of manufacture.

IRON

In Catasauqua and other parts of Lehigh County blast furnaces for the production of iron once flourished. These in common with the other similar establishments all over the country have during recent years fallen into disuse, although it is hoped that the proposed tariff, if adopted, will put them back on a paying basis again.

AGRICULTURE

Lehigh County's agricultural development is in keeping with its industrial progress, as will be seen by the accompanying statistics.

The most recent official report on Pennsylvania's farms, crops and livestock comments under the caption "Counties that lead," that "Lehigh had the highest value of crops per farm of any county."

PRINCIPAL CROPS

Among the principal crops are potatoes, corn, wheat, oats, peaches, apples, and hay. Lehigh County leads the State in the production of potatoes, latest available figures setting the crop at 1,861,260 bushels, with a value of $2,587,152. The size of the crop, it must be noted, varies each year with the weather conditions, and insect life playing a large part. Lehigh County's closest competitor last year was York. The average yield per acre in Lehigh County was 131 bushels and for the State of Pennsylvania 123 bushels. Lehigh's potato acreage was 15,950.

AREA

Seventy and eight-tenths per cent of Lehigh County's 220,160 acres is farm land, according to the United States Farm Bureau census of 1925. The average size of each farm is 60 acres. During 1927, 106,180 acres were under cultivation.

VALUE

The total value of farms in the county (United States Farm Bureau Census) is $23,912,258, and the average value per farm is $9,065. This compares more than favorably with the average value per farm in the entire State, which is $7,287.

FRUIT

Lehigh County has long been noted for the quality of its fruits, mainly apples and peaches. The acreage and number of trees, as well as the size of the crop, has been increasing by leaps and bounds in recent years. Latest official figures set the number of apple trees of bearing age at 72,436 and the total number of peach trees bearing and nonbearing at 79,632.

CHARACTERISTIC OF FARM POPULATION

Lehigh County's farm population is almost entirely Pennsylvania German, sturdy, thrifty, and progressive. And it is this class, with similar classes from neighboring counties, that contribute in a great measure to Allentown's commercial prosperity.

Government statistics show farm population figures in the county as follows:

Over 10 years of age:	
Males	4,572
Females	4,023
Under 10 years of age:	
Males	1,328
Females	1,374
Tenure:	
Farms	2,389
Owners	1,842
Renters	486
Managers	61

Lehigh County crop and livestock report, year 1927

[Pennsylvania Department of Agriculture, bureau of statistics]

	Acres	Production	Value	Acreage yield	
				County	State
Wheat bushels	26,950	528,220	$639,146	19.6	18.5
Corn do	20,100	832,140	690,676	41.4	39.5
Rye do	1,790	34,190	35,558	19.1	17.0
Oats do	11,930	433,060	242,514	36.3	36.0
Buckwheat do	120	3,370	3,471	28.1	23.5
Potatoes, white do	15,950	2,089,450	2,047,668	131.0	123.0
Tame hay tons	29,340	51,340	913,852	1.75	1.65
Apples bushels		63,060	100,896		
Peaches do		37,310	74,620		
Pears do		9,490	15,184		
Total	106,180		4,763,585		

Other farm products

	Amount	Value
Milk[1] gallons	4,234,800	$1,101,050
Eggs produced on farm dozen	1,567,000	532,780
Honey pounds	26,600	5,850
Wool do	350	130
Total		1,639,810

[1] Includes milk used in making 236,500 pounds of farm-made butter, valued at $108,790.

Livestock on farms January, 1928

	Number	Value
Horses	5,700	$632,700
Mules	230	33,580
Milk cows and heifers 2 years old and over	8,530	861,530
Other cattle	1,070	32,230
Sheep	80	780
Swine	16,560	319,610
Chickens	235,800	330,120
Hives of bees	1,600	10,720
Total		2,221,270

Lehigh County, year 1927

ESTIMATED FARM AND FARM HOME LABOR-SAVING DEVICES AND CONVENIENCES IN PENNSYLVANIA, YEAR 1927

	Number
Farmers having automobiles	1,900
Motor trucks on farms	690
Tractors	490
Farms having silos	110
Farms having gas engines	1,180
Farms having telephone connections	510
Farms having electric service	590
Farms using cream separators	500
Farms having radios	500
Estimated number of farms having—	
Running water	460
Bath rooms	300
Heating systems	610

	Tons	Value
Estimated amount of commercial fertilizer used	9,190	$272,020
Estimated amount of lime used on farms	1,480	21,160

The residents of Berks and Lehigh Counties are in accord with the Republican policy of protection for the American manufacturer, and I have, as their Representative in the Congress of the United States, fought earnestly for their interests both in the committees and on the floor of the House.

Mr. DOUGLAS of Arizona. Mr. Speaker, the tariff rate schedules and the policy in the Hawley-Smoot bill fall within the general category of economic problems of the first magnitude. Like most such questions they are highly technical, even more so than transportation rate structures. Yet catch phrases, words, and half truths are generally employed by opponents and proponents alike, while it is seldom that supporting evidence is submitted. Unfortunately for the country, the creation of tariff structures and rates has become a matter in which political log rolling is the controlling factor and in which sound reasoning based upon presentation of accurate and complete evidence has become obsolete. The people, ignorant of the fact that relief can be granted by reduction of rates on commodities which they purchase rather than by increased tariffs or import duties upon commodities which they produce, have been unwittingly and more or less subconsciously led into an acceptance of the fallacious prejudice—for it is no more than a prejudice—that superprotection is the touchstone to prosperity.

The proposed tariff act even more than the act of 1922 represents the theory of embargo or superprotection. A consideration of it in its entirety without regard to its individual provisions which pertain to local and restricted products should first include the nature and scope of the commerce of the United States, and secondly, the extent to which it or any tariff bill in which there is implicitly the theory of embargo can equalize benefits.

Prior to the World War Great Britain was the greatest exporting nation of the world. She controlled the gold resources of the world. She was, therefore, the dominant and controlling figure in international trade. As a result, however, of her demand and the demands of her allies upon the productivity of the United States during the war, as a result of the impetus which her demands loaned to mass production in this country, as a result of great accumulations of capital in America accruing from war-time purchases, the United States to-day controls approximately 50 per cent of the gold supply of the world, and has become the greatest individual exporting nation among the nations.

It is true that, as compared with our total production, the percentage of exports has not increased more than a fraction of a per cent since 1899. This, however, is not significant. It gives no index of the extent to which the American producer must rely upon foreign markets for his success and prosperity. Relative figures—that is, figures which show the position of the United States as compared with the position of other countries in terms of exports—will, however, be indicative of the position which the United States occupies in world trade.

Of the total exports of the entire world—that is, the total exports of France, Great Britain and her Dominions, Germany, Italy, and all of the commercial nations—the United States in 1913 exported 12.8 per cent; in 1925, 16.3 per cent; in 1926, 17 per cent; and in 1928 even a larger percentage.

These percentage figures, which are relative and which, therefore, give a true picture of the extent to which the United States has become an exporting nation, inevitably lead to the conclusion that our country to-day must rely upon foreign markets if our prosperity is to be maintained. This, then, is one great change which has been wrought in our economic status. The present position of the United States with respect to the export trade of the world constitutes a startling and rather amazing transformation.

But this is not the only difference between our economic position of to-day and of 15 years ago. In the antiwar period the great bulk of our exports were in crude or raw materials. In 1927, however, 41.6 per cent of the total exports of the United States were in finished manufactured articles, 14.7 per cent in semimanufactured articles, 9.7 per cent in foodstuffs manufactured, 8.8 per cent in crude foodstuffs, and 25.1 per cent in crude materials, while in the period from 1910 to 1914 but 30.7 per cent of our exports constituted finished manufactured articles, 16 per cent semimanufactured articles, 13.8 per cent foodstuffs manufactured, 5.9 per cent crude foodstuffs, and 33.5 per cent crude materials.

The translation of these percentages leads to the conclusion that the second great change which has been wrought in the economic position of the United States is that she has developed into a great manufacturing nation rather than a raw-material nation, and that her manufacturers, if they are to remain successful, just as her producers of raw materials, if they are to be successful, must have foreign markets in which to dispose of their surpluses.

The present act is in fact an embargo act. Many articles heretofore on the free list have been placed upon the dutiable list. Practically all articles heretofore on the dutiable list have remained upon the dutiable list. But this is not all—the articles on the dutiable list which are consumed by 90 per cent of the American people have been given an increased tariff rate.

Given the proposed rate structure, the question immediately arises, How can foreign countries, on whom we must rely to absorb our surpluses, manufactured as well as crude, buy those surpluses. The answer is twofold: (1) Either in gold, or (2) in commodities.

It is impossible for them to pay us in gold, for of the total world stock of gold the United States controls approximately 50 per cent, and it will be equally impossible for them to pay in commodities because the proposed legislation prohibits them from importing. It follows that they will be estopped from taking our surpluses and that we will suffer from a glutted domestic market which will result in a general industrial depression. When one considers the unemployment, the low wage scale, the writing off of millions of dollars of capital investment, depressed prices, and the decreased purchasing power which will follow a restriction upon our export trade, and when one associates such a condition with the general expansion of credit through the as yet untested system of installment buying the possibilities of a national industrial catastrophe become appalling. This, of course, is a slightly exaggerated statement of the case, since foreign countries do have a certain amount of gold and since in spite of the high tariff wall they will be able to import a certain but limited amount of their commodities, but there is nevertheless sufficient truth in the statement to warrant serious and mature thought before enacting into law the proposed bill.

It is interesting by way of supporting the slightly exaggerated answer to the inquiry, how can foreign countries upon whom we must rely to absorb our surpluses pay for those surpluses, to briefly enumerate the countries which have protested against the increased tariff schedules. A list of the protesting nations includes Canada, our best customer, France and her colonies, Argentina, Great Britain, Australia, Persia, Turkey, Spain, Cuba, Guatemala, Honduras, and Costa Rica.

Let us consider first the case of Canada, in which citizens of the United States have investments amounting to over $4,000,000,000. Canada's imports into the United States consist largely of milk, cream, and butter, on all of which the duty has been raised; halibut, of which 85 per cent of the total catch comes from the Pacific coast waters off the Canadian coast, and which enters the same port as the 15 per cent of the total catch off the American coast; logs which can be produced in this country at the same or less cost than in Canada; and shingles. On all of these commodities there have been imposed import duties so high that the greatest purchaser of our surpluses is almost prohibited from purchasing those surpluses by exchange of commodities. Consequently Canada has protested vigorously against the proposed legislation and has even gone to the extent of implying that unless she is treated more fairly she will neither engage in nor permit the development of the St. Lawrence waterway. Is it not possible that the rates thus imposed upon Canadian exports may not only reduce the amount of our surpluses which will be purchased by Canada but also lead to delay in the development of one of our great potential channels of water transportation?

Let us take the case of Argentina. The major imports from Argentina are a certain type of small, hard poultry corn, of which we grow but three-tenths of 1 per cent of our demand, and upon which we have raised the tariff from 15 cents to 25 cents per bushel; flaxseed, the tariff upon which has been raised from 40 cents to 56 cents per bushel; beef, which is

practically excluded; and hides, on which there is now a tariff of 10 per cent ad valorem. In return Argentina has purchased from us annually $179,000,000 worth of commodities. Argentina has consequently protested and threatened retaliation. If the proposed tariff schedules on Argentina's exports prohibits that country from shipping into the United States, by how much will the value of our exports to Argentina be reduced? Will not Argentina in the natural course of trade be compelled to ship to Europe those commodities which she now ships to this country, and in exchange therefor take from Europe those commodities which she now obtains from us?

Let us examine the case of Belgium. Belgium exports to the United States chiefly polished plate glass, on which the duty has been raised; window glass, on which the duty has been raised; cement, which has been transferred from the free list to the dutiable list; and brick, which likewise has been transferred from the free list to the dutiable list. In exchange Belgium has purchased from the United States raw cotton, copper, lumber, and wheat. Belgium, too, has entered a protest which may lead to retaliation. If the proposed rate on Belgian exports tends, as it will doubtlessly tend, to prohibit the importation into this country of her commodities, will not Belgium, to the extent that she is able, purchase from other sources the commodities which she has heretofore purchased from us? Although she can not follow this course entirely, in a large measure, however, she will be able to do so; and if she does, will not her action further reduce and limit the foreign market upon which we must rely to absorb our many surpluses?

In other words, to sum up the matter, will not the embargo policy implicit in the proposed tariff act accomplish one of two things or both?

First. Withdrawal of foreign markets for American products.

Second. Retaliatory tariffs which will add to the natural inclination to shift foreign purchasers from the United States to producers in other nations. Should this come about, then the people of the United States will appreciate the extent to which our prosperity, regardless of what may have been its origin, now depends upon our export trade. The anomalous situation in which we find ourselves is that not more than a month ago this House passed a bill, the purpose of which was to assist in the marketing and disposal of our surplus agricultural crops. While to-day we are considering another measure which will defeat the avowed purpose of the former by preventing the purchase of those surpluses.

The second consideration which is particularly pertinent at this session of the Congress is the question, How may the benefits of superprotection be equalized, or, to be specific, how can relief be granted to the farmer through the proposed embargo act? The first question which must be answered in answering the main question is, Can the farmer be given any protection at all? There are in the United States 339,769,766 acres of land devoted to agriculture which in 1928 produced crops valued at $7,613,574,000. Of this amount 5,422,978 acres, or less than 2 per cent of the total acreage, were devoted to crops of which no exportable surpluses were raised, which were valued at $443,144,000.

If it be assumed, and it is the only assumption that can be made, for it is more than an assumption—it is, in fact, an axiom in tariff making—that no protection can be given to a commodity of which we produce an exportable surplus, then it follows that a protective tariff can be of benefit to less than 2 per cent of the entire acreage devoted to agriculture and less than 6 per cent of agriculturists when expressed in terms of value of products. This, then, means that between 94 per cent and 98 per cent of the farmers of the United States can derive no advantage whatsoever from the tariff, while at the same time, because tariffs on the commodities which they purchase increase the prices of such commodities, there is imposed upon them a very heavy additional burden in the form of increased cost of production.

There is one of two ways—one irreconcilable with the other—in which the farmer can be benefited by means of a tariff:

First. By way of a tariff on the commodity which he grows; and

Second. By way of reducing the tariff on everything which he buys. It has been clearly demonstrated that the farmer as a general class can not be protected by giving a deceptive protective tariff rate. There can be no better example of the deceit of shouting from the housetops that the farmer has been protected by a high protective tariff policy than the present situation with respect to wheat. The proposed tariff bill would increase the tariff on wheat from 30 cents to 42 cents per bushel, and yet wheat to-day is lower than it has been for 15 years.

By the process of elimination there remains then but one way in which actual, definite, and concrete relief can be given to the farmer by means of a tariff. That way is to be found only by following the course of reducing the rates on the commodities which he buys and by so reducing his cost of production. In this connection the argument with respect to granting relief to the farmer is equally sound when applied to the entire consuming public.

The question naturally arises, Does the proposed act follow the only course which will lead inevitably to relief for the farmer or the consuming public? The answer is an emphatic denial, for the reason, which no one can or will deny, that the proposed act, instead of being a revision downward on all commodities which the farmer must purchase, is, on the contrary, a revision upward.

To state the case in a different way: The proposed tariff bill, although its advocates cheerfully and doubtlessly ignorantly argue for revisions upwards, even on farm implements, in the name of relief for the farmer, nevertheless has raised the cost of production for the farmer and has failed to offer relief in the only way relief can be given; that is, by revision downwards on the commodities which he purchases.

And so, because I am thoroughly convinced that the prosperity of this country depends upon our export trade, because I am equally confident that an embargo tariff policy will impair our export trade and result in a general industrial depression added to the agricultural depression, unemployment, and low wages, because I am of the opinion that the farmer and the consuming public can not be relieved through an embargo or superprotection policy such as is implied in the proposed bill, because the proposed bill will not and can not equalize benefits but, on the contrary, will bestow them on a limited few while the public pays the price, I am opposed to the Hawley-Smoot tariff measure.

I would advocate in its place a tariff policy of moderation arrived at, not through logrolling and political pressure but through careful study, adequate and scientific collection of all data covering every factor which enters into production costs, supply, demand, overcapitalization, efficiency, and applied without prejudice or partiality. The proposed measure is the antithesis of such a policy. It is everything which a moderate, impartial tariff structure should not be.

Mr. DICKSTEIN. Mr. Speaker, the tariff bill which is now before the House is so full of incongruities and inconsistencies that it becomes the painful duty of a member of this party to show the utter uselessness of the measure.

When this special session of Congress was called President Hoover proclaimed in a loud voice that the object of calling this session was to grant relief to the "poor and distressed farmer," whom previous administrations had left unprovided for. The McNary-Haugen bill of blessed memory was vetoed by President Coolidge, and there was no hope of any action to benefit the farmer as long as President Coolidge was the Chief Executive of this Nation.

During the campaign of 1928 the Republican Party promised to call together a special session for the relief of the farmer, and as a result this body has been in session since early in April, 1929, seemingly concerned with but one question, to wit, farm relief. The Ways and Means Committee introduced a tariff bill into this House, and the avowed object of the bill was, of course, primarily in principle, farm relief.

Now, how does the farmer fare under your proposed tariff bill? You fail to protect him and you fail to grant him any relief whatever.

It is admitted that such articles as potato starch, live cattle, beef and veal, canned meats, dried skimmed milk, butter, eggs, honey, flaxseed, clover seed, onions, and other kindred articles which the farmer grows and for which the farmer desires protection, have been left untouched by the new tariff bill, so that the farmer, who was to be the "pet child" of this new tariff, has been left in the lurch and his interests have been forgotten and forsaken and the framers of the new tariff bill paid but scant attention to his wants.

Bear in mind, gentlemen, that although a member of the Democratic Party, and although the historical policy of our party has been in favor of a tariff for revenue only, we have never been opposed to protection by way of a tariff where such protection was real and not imaginary. We want protection that protects. We want the farmer, who earns his living by the sweat of his brow, to get all the help, aid, and assistance which the Government can give him, whether by way of tariff or in any other way consistent with the Government's duty to protect all the people of the country. We do not want the farmer to feel that he is a stepchild or not entitled to the same measure of protection in the exercise of his calling, which everyone of us has a right to expect from his Government, but, as I said, we want protection which really and truly protects.

Your tariff bill does not protect the farmer. Your tariff bill gives him no aid whatsoever, and when you raise duties, as you

do, for instance, on wheat and corn, those duties will not inure to the benefit of the farmer but solely and exclusively to the benefit of the middle man, the grain merchant, and the miller. Where you had an opportunity of raising duties which would help the farmer, as in the case of potatoes, beef, eggs, honey, and so forth, you did nothing to help the farmer; but where the farmer is obliged to seek the middle man in order to dispose of his produce you very promptly raised the duties so as to help this very middle man, who has always been living on the proceeds of the farmer's work without giving in of his own labor to it.

The long and short of it is that this present tariff bill is going to result in a tremendous increase of the cost of living. You have, for instance, raised the duty on sugar, and it is the opinion of one of the largest wholesale grocery dealers in the United States that the price of sugar is now advanced from 5 cents to 7 cents a pound. You have increased the duties on rice, and it is estimated that the cost of rice to the public will advance from 9 cents to 12 cents a pound.

Do not forget, gentlemen, that in addition to being a producer the farmer is a consumer and that those very articles which he consumes and which go to the making of his home and the purchase of his necessities will be covered by increase in the Tariff bill, so that when the farmer produces and can dispose of his produce directly with a consumer, like in the case of potatoes or live cattle, you have left the tariff as it is and given him no protection whatsoever, but where he is a consumer and is obliged to go into the market to purchase articles necessary for his home you have put a tariff wall which will make it more expensive for him to obtain the very articles which are needed for his daily use.

You have, for instance, raised tremendously the duties on building materials, thereby compelling the farmer to build of wood instead of brick and to use cheaper materials in the construction of his dwelling, and the result will be that the farmer will not enjoy the same measure of comfort in his home which he was accustomed to heretofore.

I therefore have no hesitancy, gentlemen, reserving, of course, to myself the right to vote in favor of specific items, to vote against the bill as a whole, because I consider it unscientific, a patchwork of no benefit to the public at large, and not truly for the relief of either the farmer or any other person engaged in useful industry in the United States.

But the revisers of the tariff did not stop at that. It was their aim and desire to bring about a condition of affairs which would kill the present tolerable living conditions of the people of the cities and make it harder for them to be able to provide for themselves and their families.

Now look what was done. The press of New York City has summarized for the benefit of the public the changes which the tariff act provides in necessaries of life, and I now wish the House to pay particular attention to the items as I read them off.

Commodity	Bill rate	Present rate
Sugar	2.40 cents per pound	1.76 cents.
Wool	34 cents per pound	31 cents.
Butter	14 cents per pound	12 cents.
White potatoes	75 cents per pound	50 cents.
Hides	10 per cent	Free.
Leather	12½-30 per cent	Do.
Boots and shoes	20 per cent	Do.
Wrapped tobacco	$2.50 per pound	$2.10.
Stemmed	$3.15 per pound	$2.75.
Milk	5 cents per gallon	2½ cents.
Cream	48 cents per gallon	20 cents.
Beef, veal	6 cents per pound	3 cents.
Sheep, lambs	$3 a head	$2.
Lard	3 cents per pound	1 cent.
Eggs	10 cents per dozen	8 cents.
Corn	25 cents per bushel	15 cents.
Milled rice	2½ cents per pound	2 cents.
Grapefruit	1½ cents per pound	1 cent.
Flaxseed	63 cents per bushel	56 cents.
Tomatoes	3 cents per pound	12 cents.
Brick	$1.25 per thousand	Free.
Cement	8 cents per hundredweight.	Do.
Shingles	25 per cent	Do.
Cedar lumber	do	Do.
Maple, birch lumber	15 per cent	Do.
Cabinet furniture	40 per cent	33⅓ per cent.
Linen handkerchiefs	50 per cent	45 per cent.
Broomcorn	$10 per ton	Free.
Wood alcohol	18 cents per gallon	12 cents.
Linseed oil	4.16 cents per pound	3.3 cents.
Light bulbs	30 per cent	20 per cent.
Building granite	60 per cent	50 per cent.
Glassware	do	55 per cent.
Surgical instruments	70 per cent	45 per cent.
Children's books	15 per cent	25 per cent.
Carillons	20 per cent	40 per cent.
Sponges	25 per cent	15 per cent.

Live cattle are raised from 1½-2 cents a pound to 2½ cents.

Is there anything left that has not been placed under heavy duty? Such important commodities long allowed free entry, like hides, leather, boots and shoes, cement, brick, shingles, cedar, maple, and birch lumber are all included in this far-reaching tariff revision. So that wherever the housewife will turn and wherever she will go to do her family shopping or wherever the poor man will seek to construct his house or wherever any commodity will be purchased by the ordinary man or woman in this country, there will be a duty to be added and a tax to be paid.

I do not want to appear in the guise of a prophet of evil, nor is it my desire to scare the public with fantastic tales of what dire consequences this abominable tariff bill will bring about, but how can one refrain from commenting on the intolerable situation if one sees that sugar, wool, butter, milk, cream, and such other necessaries are made dutiable to a very large extent and impossible to acquire for the man and woman of small means, the householder and the person who earns his living by the sweat of his brow? We can not all be manufacturers of the articles which the tariff bill seeks to protect. Most of us, in fact all of us, except a few chosen individuals, are consumers of the goods upon which the new bill is seeking to impose these hard levies. We must buy them in the open market and we do not wish to pay for them more than they are worth.

After all, it is the ordinary man and woman, the householder of this country, who is the backbone of this Nation and whose interests should be considered, rather than those of a few privileged manufacturers, who would be in a position under this tariff bill to increase every commodity which is needed for human consumption and barring out in competition any commodities, irrespective of the public's view.

I have shown how the tariff bill does not protect the interests of the farmer, and I believe no one can conscientiously assert that this protects the general run of the people of this country.

So, gentlemen, we have reached the conclusion that Congress is no longer run for the benefit of the masses, but the gentlemen on the other side of the Chamber desire to bring about a condition of affairs where the rich will get richer and the poor will get poorer. If the present administration believes that this tariff bill will bring about prosperity, they are far from correct. It may result in a temporary swelling of the coffers of some industrial interests which will gain the benefit of a high tariff for their own selfish ends. It may enable some chosen corporations to procure large dividends on their closely held stock, but it will not benefit the average man and woman of America.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

To Mr. O'CONNELL of New York, for a continued indefinite period, on account of illness.

To Mr. MANSFIELD, for an indefinite period, on account of illness in his family.

ADJOURNMENT

Mr. HAWLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 7 minutes p. m.), in accordance with the order heretofore made, the House adjourned until to-morrow, Wednesday, May 29, 1929, at 1 o'clock p. m.

EXECUTIVE COMMUNICATIONS, ETC.

22. Under clause 2 of Rule XXIV, a communication from the the President of the United States, transmitting supplemental estimate of appropriation for the Department of State for the fiscal year 1929, to remain available until June 30, 1930, amounting to $34,000, to meet the expenses of the participation by the United States in the International Red Cross and Prisoners of War Conference to be held at Geneva, Switzerland, in July, 1929 (H. Doc. No. 22), was taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HUDDLESTON: A bill (H. R. 3490) to provide for the immediate payment to veterans of the face value of their adjusted-service certificates; to the Committee on Ways and Means.

By Mr. CRAIL: A bill (H. R. 3491) to authorize the sale of certain lands of the United States to the city of Los Angeles, Calif., to protect the watershed supplying water to the said city; to the Committee on the Public Lands.

By Mr. NELSON of Maine: A bill (H. R. 3492) granting pensions to certain persons who served in the Army, Navy, and Marine Corps of the United States during the Civil War; to the Committee on Invalid Pensions.

By Mr. PATMAN: A bill (H. R. 3493) to provide for the immediate payment to veterans of the face value of their adjusted-service certificates; to the Committee on Ways and Means.

By Mr. JAMES (by request of the War Department): A bill (H. R. 3494) to reimburse officers, enlisted men, and civilian employees of the Army and their families and dependents, or their legal representatives, for losses sustained as a result of the hurricane which occurred in Texas on August 16, 17, and 18, 1915; to the Committee on Claims.

By Mr. DOUTRICH: A bill (H. R. 3495) to provide for the carrying out of the award of the National War Labor Board of January 15, 1919, dockets Nos. 419 and 420, in favor of certain employees of the Lebanon (Pa.) plants of the Bethlehem Steel Co. and the Lebanon Valley Iron Co.; to the Committee on Claims.

By Mr. MEAD: A bill (H. R. 3496) to provide for weekly pay days for postal employees; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 3497) to amend an act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925; to the Committee on the Post Office and Post Roads.

By Mr. HASTINGS: A bill (H. R. 3498) to authorize the establishment of an employment agency for the Indian Service; to the Committee on Indian Affairs.

By Mr. RUTHERFORD: A bill (H. R. 3499) to construct a public building for a post office at the city of Thomaston, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. HARDY: A bill (H. R. 3500) to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920; to the Committee on Interstate and Foreign Commerce.

By Mr. DRANE: Joint resolution (H. J. Res. 85) to provide compensation to fruit and vegetable growers for losses resulting from efforts to eradicate the Mediterranean fruit fly; to the Committee on Agriculture.

By Mr. PORTER: Joint resolution (H. J. Res. 86) making an appropriation for the International Red Cross and Prisoners of War Conference at Geneva, Switzerland, in 1929; to the Committee on Appropriations.

By Mr. PITTENGER: Joint Resolution (H. J. Res. 87) providing for investigation of the unemployment problem by the Department of Commerce and the Department of Labor, and the collection of information by the Bureau of the Census in connection therewith; to the Committee on the Census.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 3501) granting a pension to John H. Milby; to the Committee on Pensions.

By Mr. DOUTRICH: A bill (H. R. 3502) granting a pension to Maude Lingenfelter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3503) granting a pension to Esther A. Scull; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3504) granting an increase of pension to Priscilla Pye; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3505) granting an increase of pension to Sarah L. Seltzer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3506) granting an increase of pension to Bertha H. Lafner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3507) for the relief of Eleanor Freedman; to the Committee on Claims.

Also, a bill (H. R. 3508) granting a pension to Elizabeth B. Schwartz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3509) granting a pension to Jennie W. Glazier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3510) granting an increase of pension to Adelia Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3511) for the relief of Washington S. Marquet; to the Committee on Military Affairs.

By Mr. DRANE: A bill (H. R. 3512) for the relief of Jesse Bell; to the Committee on Claims.

By Mr. ESTERLY: A bill (H. R. 3513) granting an increase of pension to Amelia Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3514) granting an increase of pension to Emma C. Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3515) granting an increase of pension to Mary A. Ueberroth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3516) granting an increase of pension to Sarah E. Reinert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3517) granting an increase of pension to Amelia Henry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3518) granting an increase of pension to Mary A. Shoemaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3519) granting an increase of pension to Emma Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3520) for the relief of the Carbon Slate Co.; to the Committee on Claims.

By Mr. FORT: A bill (H. R. 3521) for the relief of Thomas A. McGuirk; to the Committee on Military Affairs.

By Mr. FULLER: A bill (H. R. 3522) granting a pension to John Stacy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3523) granting an increase of pension to Amanda E. Welch; to the Committee on Invalid Pensions.

By Mr. GAMBRILL: A bill (H. R. 3524) granting a pension to Martha Crusnach; to the Committee on Pensions.

By Mr. HOUSTON of Delaware: A bill (H. R. 3525) for the relief of George Clough, alias George Clow; to the Committee on Military Affairs.

Also, a bill (H. R. 3526) granting an increase of pension to Sarah A. Colwell; to the Committee on Invalid Pensions.

By Mr. JAMES (by request of the War Department): A bill (H. R. 3527) to authorize credit in the disbursing accounts of certain officers of the Army of the United States for the settlement of individual claims approved by the War Department; to the Committee on Claims.

By Mr. KENDALL of Kentucky: A bill (H. R. 3528) granting an increase of pension to Sarah J. Stewart; to the Committee on Invalid Pensions.

By Mr. KORELL: A bill (H. R. 3529) granting a pension to Jennie Ferguson; to the Committee on Invalid Pensions.

By Mr. NELSON of Missouri: A bill (H. R. 3530) granting an increase of pension to Rebecca M. Luttrell; to the Committee on Invalid Pensions.

By Mrs. NORTON: A bill (H. R. 3531) granting an increase of pension to Ellen Kivlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3532) granting an increase of pension to Maria E. Smith; to the Committee on Invalid Pensions.

By Mr. RUTHERFORD: A bill (H. R. 3533) granting an increase of pension to Cora L. Dickerson; to the Committee on Pensions.

By Mr. SHORT of Missouri: A bill (H. R. 3534) granting a pension to Winnie Graham; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 3535) granting an increase of pension to Mary J. Bradfield; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 3536) granting an increase of pension to Nettie Cisco; to the Committee on Pensions.

Also, a bill (H. R. 3537) granting an increase of pension to Sarah F. Perrigo; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3538) granting an increase of pension to Vienna V. Riker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3539) granting an increase of pension to Jennie Moshier; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 3540) granting an increase of pension to Ellen A. Delp; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 3541) granting an increase of pension to Mary F. Wilhelm; to the Committee on Invalid Pensions.

By Mr. WASON: A bill (H. R. 3542) granting an increase of pension to Nellie A. Farrell; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 3543) granting an increase of pension to Mary E. Hamilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3544) granting an increase of pension to Martha A. Howard; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

537. By Mr. BOYLAN: Communication from Pincus Herz, president New York State Pharmaceutical Association, protest-

ing against proposed discriminatory duty on blackstrap molasses; to the Committee on Ways and Means.

538. Also, communication from A. Traeger, president E. L. Eitz (Inc.), protesting against proposed change in tariff relative to scientific instruments; to the Committee on Ways and Means.

539. Also, communication from Brockman Bros., protesting against proposed duty on agate buttons; to the Committee on Ways and Means.

540. By Mr. CARTER of California: Petition of the William Tell Society, of Oakland, Calif., protesting against the proposed quota restriction against immigrants from Switzerland and other countries; to the Committee on Immigration and Naturalization.

541. By Mr. CONNERY: Petition of the Charitable Irish Society, Boston, Mass., protesting against the national-origins clause of the immigration law; to the Committee on Immigration and Naturalization.

542. Also, petition of Grand Army of the Republic, statehouse, Boston, Mass., indorsing pension bill offered by Senator ROBINSON of Indiana; to the Committee on Invalid Pensions.

543. By Mr. MEAD: Petition of Merchant Tailors' Exchange, of Buffalo, N. Y., protesting against the so-called American plan of determining valuations in the proposed new tariff law as unfair; to the Committee on Ways and Means.

544. By Mr. YATES: Petition of Chicago Association of Merchant Tailors, protesting general revision of tariff, also protesting against provisions regarding valuations; to the Committee on Ways and Means.

545. Also, petition of Walter Noble Gillett, of Chicago, Ill., urging support of tariff on cement; to the Committee on Ways and Means.

546. Also, petition of representatives of the workers and employers in the kid industry, Philadelphia, Pa., Camden, N. J., and Wilmington, Del., urging increases of tariff on kid leathers; to the Committee on Ways and Means.

547. Also, petition of William Schlake, president Common Brick Manufacturers' of Chicago, Ill., urging increase of tariff on brick; to the Committee on Ways and Means.

548. Also, petition of the Shafton Fruit & Vegetable Co., of Chicago, Ill., protesting against increase of tariff on vegetables imported from Mexico; to the Committee on Ways and Means.

549. Also, petition of Henry Bosch Co., of Chicago, Ill., urging increase of tariff on wall paper; to the Committee on Ways and Means.

550. Also, petition of N. M. Sharpe, of 228 North La Salle Street, Chicago, Ill., and Thomas Fairbairn, of Streator, Ill., urging support of increase of tariff on cement; to the Committee on Ways and Means.

551. Also, petition of H. B. Williams, secretary the Swisshelm Veneer Co., Mound City, Ill., urging increase of tariff on plywood; to the Committee on Ways and Means.

552. Also, petition of E. S. Briggs, manager-secretary American Fruit and Vegetable Shippers' Association, urging support of tariff increase on potatoes; to the Committee on Ways and Means.

553. Also, petition of R. J. Silverman, of Great Northern Chair Co., 2500 Ogden Avenue, Chicago, Ill., urging increase of tariff on bent wood chairs imported from Poland and Czechoslovakia; to the Committee on Ways and Means.

554. Also, petition of Paul H. Monnig, president Tonk Bros. Co., Brunswick Building, 623–633 South Wabash Avenue, Chicago, Ill., protesting increase of tariff on violins, violin cases, gut strings, chin rests, etc.; to the Committee on Ways and Means.

555. Also, petition of L. J. Pomeroy, president the Landeck Pomeroy Lumber Co., of Chicago, Ill., protesting against increase of tariff on Canadian lumber; to the Committee on Ways and Means.

556. Also, petition of J. K. Mosser Leather Corporation, of Chicago, Ill., urging increase of tariff on leather; to the Committee on Ways and Means.

557. Also, petition of William G. Bohnsack, president Chicago Brick Exchange, urging increase of tariff on brick; to the Committee on Ways and Means.

558. Also, petition of Frank C. Kasten, president United Brick and Clay Workers, of Chicago, Ill., urging increase of tariff on brick; to the Committee on Ways and Means.

559. Also, petition of the Frank Porter Lumber Co., of Chicago, Ill., protesting increase of tariff on lumber; to the Committee on Ways and Means.

560. Also, petition of William R. Carse, president Carbonated Beverage Manufacturers of Illinois (Inc.), protesting increase of tariff on sugar; to the Committee on Ways and Means.

561. Also, petition of Milton S. Florsheim, chairman of board, the Florsheim Shoe Co., Chicago, Ill., opposing duty on hides; to the Committee on Ways and Means.

562. Also, petition of Marcella C. Pope, Chicago, Ill., urging increase of tariff on cement; to the Committee on Ways and Means.

563. Also, petition of J. K. Mosser Leather Corporation, Chicago, Ill., urging increase of tariff on leather; to the Committee on Ways and means.

564. Also, petition of Theodore Kauffmann, president the S. Obermayer Co., Chicago, Ill., protesting against increase of tariff on graphite; to the Committee on Ways and Means.

565. Also, petition of Pure Milk Association of Chicago, Ill., urging tariff on dairy products, oils, and fats; to the Committee on Ways and Means.

566. Also, petition of John J. Fisher, president Quincy Freight Bureau, Wells Building, Quincy, Ill., urging tariff on sugar; to the Committee on Ways and Means.

567. Also, petition of John J. Fisher, president Excelsior Stove & Manufacturing Co., Quincy, Ill., urging increase of tariff on sugar; to the Committee on Ways and Means.

568. Also, petition of A. W. Armstrong, president and manager Ayer & Lord Tie Co., Railway Exchange Building, Chicago, Ill., opposing tariff on coal tar; to the Committee on Ways and Means.

569. Also, petition of Wallace Patterson, western manager Christian Herald, 225 North Michigan Boulevard, Chicago, Ill.; F. H. Scott, 366 West Adams Street, Chicago, Ill.; and Dr. William A. Pusey, 1301 Chicago Building, 7 West Madison Street, Chicago, Ill., urging retention of national origins law; to the Committee on Immigration and Naturalization.

570. Also, petition of Henry George Slavik, 11 South La Salle Street, Chicago, Ill.; Ray P. Hoover, 80 East Jackson Boulevard, Chicago, Ill.; Walter Gray Pietsch, 333 North Michigan Avenue, Chicago, Ill.; Charles S. Lewis, jr., 509 Hazel Avenue, Glencoe, Ill.; and Harry F. Prussing, of Prussing & Co., 160 North La Salle Street, Chicago, Ill., opposing repeal of national-origin clause; to the Committee on Immigration and Naturalization.

571. Also, petition of Gilbert Scribner, First National Bank Building, Chicago, Ill.; J. W. Stewart, Newberry Hotel, Chicago, Ill.; and Hampden Winston, of Winston & Co., First National Bank Building, Chicago, Ill., opposing repeal of national-origins clause; to the Committee on Immigration and Naturalization.

572. Also, petition of Harry H. Harper, of Harper & Co., Central Real Estate, 140 South Dearborn Street, Chicago, Ill.; C. J. Hambleton, 111 West Washington Street, Chicago, Ill.; and Alfred C. Hay, suite 1820, Burnham Building, 160 North La Salle Street, Chicago, Ill., opposing repeal of national-origins clause; to the Committee on Immigration and Naturalization.

573. Also, petition of L. G. Varty, vice president John R. Magill & Co., 35 North Dearborn Street, Chicago, Ill., and Harry I. Holton, of Holton, Seelye & Co., 1623–1626 Marquette Building, 140 South Dearborn Street, Chicago, Ill., opposing repeal of national-origins clause; to the Committee on Immigration and Naturalization.

574. Also, petition of Francis Manierre, Louis Manierre, Margaret W. Allan, Mildred B. Allan, Florence G. Larson, Walter B. Allred, Rose Szyarto, Frank W. Whiston, George M. Krebs, Carl E. Winnestrand, and Dibbler V. Manierre, 112 West Adams Street, Chicago, Ill., opposing repeal or modification of national-origins clause; to the Committee on Immigration and Naturalization.

575. Also, petition of Mrs. William Hedges, chairman Americanism committee, Daughters of the American Revolution, Chicago, Ill., urging retention of national-origins clause; to the Committee on Immigration and Naturalization.

576. Also, petition of John J. Fisher, 10 South La Salle Street, Chicago, Ill.; Aldis J. Browne, of Ross & Browne, 80 East Jackson Boulevard, Chicago, Ill.; John V. Farwell, 208 South La Salle Street, Chicago, Ill.; and Alfred E. Hamill, 208 South La Salle Street, Chicago, Ill., opposing repeal of national-origins clause; to the Committee on Immigration and Naturalization.

577. Also, petition of Mrs. Nellie I. Grimwood Fender, urging discrimination in immigration but opposing racial discrimination; to the Committee on Immigration and Naturalization.

578. Also, petition of David L. Shillinglaw, of Bloomington, Ill., urging retention of national-origins clause of immigration act of 1924; to the Committee on Immigration and Naturalization.

579. Also, petition of J. Alden Sears, Kenilworth, Ill., urging support of national-origins clause; to the Committee on Immigration and Naturalization.

580. Also, petition of National Society Daughters of the American Revolution, urging support of national-origins clause; to the Committee on Immigration and Naturalization.

581. Also, petition of Norman H. Pritchard, 120 South La Salle Street, Chicago, Ill., urging retention of national-origins provision; to the Committee on Immigration and Naturalization.

582. Also, petition of A. N. Marquis, 919 North Michigan Avenue, Chicago, Ill., urging retention of national-origins provision; to the Committee on Immigration and Naturalization.

583. Also, petition of C. H. Wilmerding, 134 South La Salle Street, Chicago, Ill., urging retention of national-origins clause; to the Committee on Immigration and Naturalization.

584. Also, petition of Xavier Vigeant, Highland Park, Ill., urging retention of national-origins clause; to the Committee on Immigration and Naturalization.

585. Also, petition of Roy J. Smith, 172 North East Avenue, Aurora, Ill.; Waldo B. Ames, of Frederick H. Bartlett Realty Co., Chicago, Ill.; E. J. Suddard, of Frederick H. Bartlett Realty Co., Chicago, Ill.; and A. M. Draper, of Draper & Kramer, 2446 East Seventy-fifth Street, Chicago, Ill., opposing repeal of national-origins clause; to the Committee on Immigration and Naturalization.

586. Also, petition of officers of the Antinational Origins Clause League, urging repeal of national-origins clause of immigration act of 1924; to the Committee on Immigration and Naturalization.

587. Also, petition of J. Lee Rosbug, adjutant Winetka Post, No. 10, American Legion, Department of Illinois, urging support of national-origins clause; to the Committee on Immigration and Naturalization.

588. Also, petition of Joseph Keig, D. S., adjutant, Will County American Legion, Joliet, Ill., urging passage of bill providing proper hospitalization for men and women who served in late war; to the Committee on World War Veterans' Legislation.

589. Also, petition of David L. Shillingham, department commander the American Legion, Department of Illinois, urging support of hospitalization bill; to the Committee on World War Veterans' Legislation.

590. Also, petition of Cook County Council, the American Legion, Department of Illinois, urging support of Rogers hospitalization bill; to the Committee on World War Veterans' Legislation.

591. Also, petition of Charles E. Gilman, grain dealer, Fisher, Ill., opposing any farm relief measure which discriminates against private capital; to the Committee on Agriculture.

592. Also, petition of Miss Clara F. Hoover, of Daughters of Union Veterans of the Civil War, 1920 Hudson Avenue, Chicago, Ill., urging passage of bill for the aid of Civil War veterans; to the Committee on Pensions.

593. Also, petition of the West Suburban Post of the Veterans of Foreign Wars, Post 1485, urging passage of bill providing pensions and increase of pensions for certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition; to the Committee on Pensions.

594. Also, petition of Mrs. Julia A. Skinner, Manteno, Ill., urging passage of bill in aid of Civil War widows; to the Committee on Pensions.

595. Also, memorial approving appointment of a commission by the President to investigate law enforcement of the eighteenth amendment and requesting that said commission when appointed shall investigate the nonenforcement of the fourteenth and fifteenth amendments; to the Committee on the Judiciary.

SENATE

WEDNESDAY, *May 29, 1929*

(Legislative day of Thursday, May 16, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed a concurrent resolution (H. Con. Res. 8) accepting the statue of Wade Hampton, of South Carolina, to be placed in Statuary Hall, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the joint resolution (S. J. Res. 34) authorizing the Smithsonian Institution to convey suitable acknowledgment to John Gellatly for his offer to the Nation of his art collection and to include in its estimates of appropriations such sums as may be needful for the preservation and maintenance of the collection.

MUSCLE SHOALS

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. The Senator from Nevada [Mr. PITTMAN] has the floor on the unfinished business. Does he yield to the Senator from Nebraska?

Mr. NORRIS. Will the Senator yield to enable me to submit a report?

Mr. PITTMAN. I yield for that purpose.

Mr. NORRIS. By a unanimous vote of the Committee on Agriculture and Forestry I was directed to report back favorably without amendment the joint resolution (S. J. Res. 49) to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals in the State of Alabama, and for other purposes. I ask unanimous consent that I be given until Monday next to file a report.

The VICE PRESIDENT. Without objection, leave is granted.

Mr. HARRISON. Mr. President, may I ask the Senator from Nebraska if this is a favorable report from the committee with reference to Muscle Shoals?

Mr. NORRIS. It is a unanimous report and recommends the passage of the joint resolution.

Mr. HARRISON. What is it?

Mr. NORRIS. It is Senate Joint Resolution 49, and contains the same language, with one exception, as the joint resolution which we passed at the last session and which received the pocket veto.

Mr. HARRISON. It is not an acceptance of the American Cyanamid bid?

Mr. NORRIS. Oh, no; it is the same joint resolution that we passed before.

Mr. BLACK. As I understand it, it is the joint resolution as finally agreed upon in conference?

Mr. NORRIS. As finally agreed upon and as finally passed by both branches of Congress, with the exception that it then had a provision in it that a certain percentage of the gross proceeds from the sale of power should be paid to the States of Alabama and Tennessee.

Mr. McKELLAR. Mr. President, I have just entered the Chamber. May I ask the Senator from Nebraska if it is the Muscle Shoals joint resolution which he has just reported?

Mr. NORRIS. It is. I have reported it favorably from the Committee on Agriculture and Forestry.

The VICE PRESIDENT. The joint resolution will be placed on the calendar.

Mr. WALCOTT subsequently said: Mr. President, as a member of the Committee on Agriculture and Forestry I should like consent to file a minority report on the Muscle Shoals joint resolution. In the committee I reserved this right.

The PRESIDING OFFICER (Mr. BLAINE in the chair). Without objection, the views of the minority will be received and printed.

STATUE OF WADE HAMPTON

Mr. BLEASE. Mr. President, there is a concurrent resolution on the table that came over from the House a few minutes ago. It is very short, and I should like to ask that it be considered and concurred in. It will not take more than a moment.

The VICE PRESIDENT laid before the Senate the concurrent resolution (H. Con. Res. 8), which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the statue of Wade Hampton, by F. W. Ruckstuhl, presented by the State of South Carolina, to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered the State for the contribution of the statue of one of its most eminent citizens, illustrious for his services to his country. Second, that a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of South Carolina.

The VICE PRESIDENT. The Senator from South Carolina asks unanimous consent for the present consideration of the concurrent resolution. Is there objection? The Chair hears none.

The concurrent resolution was considered and agreed to.

DECENNIAL CENSUS AND APPORTIONMENT OF REPRESENTATIVES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress.

Mr. WATSON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. Does the Senator from Nevada yield for that purpose?

Mr. PITTMAN. I do.

The VICE PRESIDENT. The clerk will call the roll.